

DRAFT

MINUTES OF THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C

REGULAR MEETING

18 JUNE 2002

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

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The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The City Manager recognized Bob Carter, employee in the Human Resources Department, who served as courier for the meeting.

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The Mayor outlined Council's procedure for conduct of the meeting.

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Mayor Holliday stated that a request had been received to postpone agenda item number six, an ordinance rezoning from RS-12 Residential Single Family to Conditional Use-RM-5 Residential Multifamily for townhouses designed for sale; with specific conditions; for property located east of Arrowhead Drive and west of Coronado Drive north of the terminus of Dobson Road. He noted that the request had been submitted by Charles E. Melvin, Jr., who had filed the appeal after the Zoning Commission's recommendation to deny the ordinance.

Charlie Melvin, attorney with offices located at 300 North Greene Street, briefly outlined the reasons for the request to continue this item to a later date.

Susan Rizzi, residing at 514 Arrowhead Drive, stated she represented neighbors who were present to oppose the rezoning request; she asked Council not to postpone the public hearing for this case. Some members of Council explained that the precedent of granting continuances had been established in past cases.

Councilmember Perkins moved that this item be continued to the August 20, 2002 regular Council meeting without further advertising. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance rezoning from Conditional Use- Limited Business to Conditional Use- Highway Business for all uses allowed in LB zoning district including tire sales and installation, excluding any uses that would require a drive through, for property located at the northeast intersection of South Elm Eugene Street and East Vandalia Road. He stated this matter was being heard on appeal filed by Jennifer N. Fountain after receiving a vote of 4-3 by the Zoning Commission to recommend denial of the rezoning.

The Mayor administered the oath to those who wished to speak to this matter.

C. Thomas Martin, Director of the Planning Department, outlined the rezoning request and provided the following staff presentation:

REQUEST – ITEM 5

This request is to rezone property from Conditional Use – Limited Business to Conditional Use – Highway Business.

The Limited Business District is primarily intended to accommodate moderate intensity shopping and services close to residential areas. The district is typically located near the intersection of collectors or thoroughfares in areas which are otherwise developed with residences.

The Highway Business District is primarily intended to accommodate retail, service, and distributive uses which are typically located along thoroughfares.

The existing Conditional Use – Limited Business District contains the conditions which are listed on the agenda and in the copy of the staff presentation:

- 1) Uses: restaurant; sign painting shop; antiques/collectibles shop; arts & crafts sales; clothing alterations or repairs; barber shop; beauty shop; shoe repair or shoeshine shop; tanning salon; television, radio or electronic repairs; watch or jewelry repair; florist; video tape rental & sales; health food store; laundry & dry cleaning substation; bakery; furniture sales; travel agency; hobby shop; photocopy & duplicating services; professional office; and/or general merchandise store.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: All uses allowed in LB zoning district including tire sales and installation, excluding any uses that would require a drive through.

Mr. Martin presented information, a land use map and slides of the property and surrounding area.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 0.9 acre and is located at the northeast intersection of South Elm-Eugene Street and East Vandalia Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	CU-LB	Tire sales & service business.
North	RS-12	Single family dwelling
East	RS-12	Single family dwelling
South	RS-12	Single family dwelling
	RS-12	Vandalia Presbyterian Church
West	RS-12	Vacant land

Mr. Martin stated that the Planning Department recommended denial of the request and that the Zoning Commission had voted 4-3 to recommend denial of the request.

The Mayor asked if anyone wished to be heard.

The following speakers spoke in favor of the request.

Jennifer Fountain, attorney with Isaacson and Isaacson and Sheridan, with offices located at 101 West Friendly Avenue, represented the owners and business operators of the property. She requested that the following condition be

added to the ordinance: "Petitioners shall move the shelter attached to the building so that it will conform to the Greensboro Development Ordinance and obtain a permit for the structure. The structure shall be moved within sixty days of the approval of the rezoning." Councilmember Vaughan moved that the condition be added to the ordinance as stated. After brief discussion in which Council appeared to agree that the condition would be addressed in the zoning requirements if the request were granted, Councilmember Vaughan withdrew the motion.

Ms. Fountain presented information pertaining to the request to Council, explained the circumstances surrounding the start up of the business and noted that a privilege license had been granted to the business owners to sell and install tires at this location. She stated that a contractor had installed a utility building at the location without obtaining a permit and advised that a City Zoning inspector had issued a notice of violation due to the zoning land use being incompatible with the business use and that the property owner planned to move the utility building if the request were granted. A number of citizens present in the Chamber stood in support of the request. Ms. Fountain shared her opinion that the rezoning would not materially endanger public health or safety based on its past business use and requested Council to approve the request.

In response to affidavits presented by Ms. Fountain, the City Attorney confirmed that because the affidavits were in support of general business, and not highway business zoning, they were irrelevant and could not be considered.

Jacqueline Gorly, residing at 105 East Vandalia Road, stated she lived behind the tire business and that the business operators had been good neighbors. She requested Council to approve the request.

In response to an inquiry from Councilmember Jessup; Dwight Smith, one of the tire business operators, explained that because they had been granted a privilege license with their current utility building in place, they had assumed their current operation was legal. Mr. Martin confirmed that the privilege license had been granted with the non-permitted utility building in place.

After the Mayor confirmed there was no one who wished to speak against the rezoning request, Mr. Martin provided the following staff recommendation:

Item 5 – South Elm-Eugene Street

The Planning Department recommends that this request be denied.

This property has been rezoned on five separate occasions throughout the years, but always to limited business types of uses.

The last time the property was rezoned was in December 1996.

Staff recommended in favor of the expanded list of uses that was proposed at that time with the hope that the 1996 rezoning would preclude the need for future rezonings.

Since August of 2000, the property has been illegally used for this tire sales and service business in violation of the approved conditional use permit.

A Notice of Violation was issued to cease and desist this use of the property and the property owner appealed that Notice to the Board of Adjustment.

At their September 25, 2000 meeting, the Board of Adjustment upheld staff and the approved conditional use permit and denied that appeal.

The property owner appealed the Board's decision to Superior Court and this matter was scheduled for hearing in February but the court postponed the hearing until April 22nd since this rezoning request was suddenly filed.

At the March 11, 2002 meeting, the Zoning Commission denied a request for Conditional Use – General Business.

The property does fit the general description for a Limited Business District in regard to its location at the intersection of thoroughfares in an area which is otherwise developed with residences.

Staff feels that this property does not fit the spirit and intent for Highway Business zoning which is a much more intensive district and that approval of this request will establish an adverse precedent for this property, as well as for the general area.

Staff feels that the conditional use permit that was approved in 1996 allowed a wide range of limited business types of uses for this property and that the property is correctly zoned as is.

After Council shared mixed opinions with respect to support or denial of the request, Councilmember Gatten moved that the ordinance rezoning this property to conditional use highway business be denied based on the following findings of fact: the location and character of the development in accordance with the proposed conditions will not be in harmony with the area in which it is located and in general conformity with the plan of development of the City and its environs because this property is more appropriately zoned conditional use LB based on the district description and because this request does not fit the spirit and intent of highway business which is much more intensive district and because approval of this request will establish an adverse precedent for this property as well as the general area.

The motion was seconded by Councilmember Phillips; the motion to DEFEAT the ordinance FAILED on the following roll call vote: Ayes: Carmany, Gatten and Phillips. Noes: Burroughs-White, Holliday, Jessup, Johnson, Perkins and Vaughan.

Following brief discussion, Councilmember Burroughs-White thereupon moved that the ordinance be approved based on the following findings of fact: that development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent with the proposed use of the property; that the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because it has been used as a business with no decline in the value of the neighborhood; that the location and the character of the development in accordance with the proposed conditions will be in harmony with the area in which it is located and in general conformity with the plan of development of the City and its environs because it is located on the corner of a busy intersection and it is not practical for residential on this corner and the conditions limit the possibility of a drive through that would possibly have a detrimental effect.

The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Holliday, Jessup, Johnson, Perkins and Vaughan. Noes: Carmany, Gatten, Phillips.

02-92 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

NORTHEAST INTERSECTION OF SOUTH ELM-EUGENE STREET AND EAST VANDALIA ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Conditional Use – Limited Business to Conditional Use – Highway Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point, said point being the intersection of the eastern right-of-way line of South Elm-Eugene Street with the northern right-of-way line of East Vandalia Road; thence along eastern right-of-way line in a northerly direction approximately 210 feet to a point; thence S87°06'E approximately 160 feet to a point, said point being the northwest corner of Guilford County Tax Map 488, Block 1, Lot 9; thence S04°14'E approximately 180 feet to a point in the northern right-of-way line of East Vandalia Road; thence along said right-of-way line in a westerly direction approximately 200 feet to the point and place of BEGINNING.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses allowed in LB zoning district including tire sales and installation, excluding any uses that would require a drive through.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Tom Phillips

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution authorizing the filing and execution, as appropriate, of Federal Transit Administration (FTA) and North Carolina Department of Transportation (NCDOT) Grant Applications, Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate, pursuant to relevant sections of the Federal Transit Administration Transportation Equity Act for the 21st Century (TEA 21), as amended.

The Mayor asked if anyone wished to be heard. There being no one wishing to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips, Vaughan. Noes: None.

118-02 RESOLUTION AUTHORIZING THE FILING AND EXECUTION, AS APPROPRIATE, OF FEDERAL TRANSIT ADMINISTRATION (FTA) AND NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) GRANT APPLICATIONS, GRANT AGREEMENTS, ANNUAL OR BIENNIAL APPLICATIONS, ANNUAL BUDGETS, AND OTHER SUCH DOCUMENTS, AS APPROPRIATE, PURSUANT TO RELEVANT SECTIONS OF THE FEDERAL TRANSIT ADMINISTRATION TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (TEA 21), AS AMENDED.

WHEREAS, the Federal Transit Administration under the Transportation Equity Act for the 21st Century (TEA 21), provides Federal funds to support public transportation services;

WHEREAS, the North Carolina Department of Transportation will apply and receive grants from the U.S. Department of Transportation through the Federal Transit Administration; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for planning, operating and capital assistance projects in the provision of public transportation services; and

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering funds received through the Federal Transit Act of 1991; and

WHEREAS, the contracts for financial assistance will impose certain obligations upon the City of Greensboro; including the provision of the local project costs; and

WHEREAS, it is required by the U.S. Department of Transportation and the North Carolina Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the TEA 21, as amended, the City of Greensboro, as applicant, gives assurance that it will comply with Title IV of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation and the North Carolina Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the City of Greensboro, as an applicant, that Disadvantaged Business Enterprises (DBEs) be utilized to the fullest extent possible in connection with the project, and that definitive procedures shall be established and administered by the City of Greensboro as applicant to ensure that DBEs shall have the maximum

feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant or other services; and

WHEREAS, the City of Greensboro hereby assures and certifies that it will comply with the Federal Statutes, regulations, executive orders, the Section 5333(b) Labor Protection requirements, and all administrative requirements which relate to the applications made to and grants received from the Federal Transit Administration; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF GREENSBORO:

1. That the City of Greensboro Manager is authorized to file and execute FTA and NCDOT Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate, on behalf of the City of Greensboro with the North Carolina Department of Transportation and the Federal Transit Administration, to aid in the financing of public transportation services as described therein.
2. That the City of Greensboro Manager is authorized to file and execute with such FTA and NCDOT Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate, and any assurance or any other documents required by the FTA and NCDOT effectuating the purposes of such FTA and NCDOT Grant Agreements, Annual and Biennial Applications, Annual Budgets, and other such documents, as appropriate.
3. That the City of Greensboro Manager is authorized to furnish such additional information as the Federal Transit Administration and the North Carolina Department of Transportation require in connection with such FTA and NCDOT Grant Agreements, Annual and Biennial Applications, Annual Budgets, and other such documents, as appropriate.
4. That the City of Greensboro Manager is authorized to set forth and execute Disadvantaged Business Enterprise (DBE) policies and procedures in connection with all procurement needs associated with such FTA and NCDOT Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate.
5. That the City of Greensboro Manager is authorized to execute grant agreements on behalf of the City of Greensboro with the Federal Transit Administration and the North Carolina Department of Transportation to aid in the financing and effectuating of the purposes of such FTA and NCDOT Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate.

(Signed) Don Vaughan

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After the Mayor introduced the Consent Agenda, Councilmember Phillips moved to delete from the Consent Agenda item sixteen, a resolution granting encroachment for an easement on street rights-of-way to the Guilford County Schools as follows: crossing the 1200 block of Lincoln Street to install a total of 175 linear feet duct bank of fiber optic cable to serve the Lincoln Middle and Dudley High Schools of the Guilford County Schools. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Phillips thereupon moved adoption of the Consent Agenda as amended. The amended Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-126 AMENDING CHAPTER 26

AN ORDINANCE AMENDING CHAPTER 26 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STREETS AND SIDEWALKS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 26-2 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (c) and adding a new subsection (d) and a new subsection (g) to read as follows:

(e) “Upon receiving notice of completion of a Street Improvement project, City Council shall confirm all assessment obligations in said project and shall call for advertisement of same in a local newspaper published at least weekly and which is generally available to Greensboro Citizens. Such advertisement shall run within forty-five (45) days following the date of confirmation and shall inform that all listed assessment obligations may be fully satisfied, without interest, if payment-in-full of the total principal balance is received by the Tax Collector within ninety (90) days following the date of confirmation.

(f) Assessment accounts not paid in full within ninety (90) days following the confirmation date shall be scheduled for payment in substantially equal installments, plus interest on the whole unpaid principal balance. Such interest shall be computed from the date of confirmation at a rate fixed in the assessment resolution, with said rate not exceeding the maximum allowed by law. The first installment shall become due and payable no later than one year (365 Days) following confirmation, with subsequent installments being due and payable on the regular and sequential cycle of the installment frequency (monthly, quarterly, semi-annually or annually) elected by the obligee(s) and with the final installment being due and payable by not later than one hundred twenty (120) months after the confirmation date.

If the obligee expresses no preference as to payment frequency the assessment obligation will be scheduled for payment in ten annual installments. Upon approval of the Tax Collector, the frequency of payment for existing assessment accounts may be changed for the economic and budgetary convenience of the obligee, with the first such change being granted without charge and with subsequent changes being granted with a transaction fee of thirty five (\$35) dollars.

(g) At any time after the first ninety (90) days in the life of an assessment account the full principal balance may be paid in full with all accrued interest and without early payoff penalty.

Section 2. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. That this Ordinance shall become effective on and after June 18, 2002.

(Signed) Tom Phillips

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02-103 AMENDING CHAPTER 27

AN ORDINANCE AMENDING CHAPTER 27 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STORM WATER MANAGEMENT

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 27-10 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (c) and adding a new subsection (d) and a new subsection (e) to read as follows:

“ (d) Upon receiving notice of completion of a Stormwater Management project, City Council shall confirm all assessment obligations in said project and shall call for advertisement of same in a local newspaper published at least weekly and which is generally available to Greensboro Citizens. Such advertisement shall run within forty-five (45) days following the date of confirmation and shall inform that all listed assessment obligations may be fully satisfied, without interest, if payment-in-full of the total principal balance is received by the Tax Collector within ninety (90) days following the date of confirmation.

(e) Assessment accounts not paid in full within ninety (90) days following the confirmation date shall be scheduled for payment in substantially equal installments, plus interest on the whole unpaid principal balance.

Such interest shall be computed from the date of confirmation at a rate fixed in the assessment resolution, with said rate not exceeding the maximum allowed by law. The first installment shall become due and payable no later than one year (365 Days) following confirmation, with subsequent installments being due and payable on the regular and sequential cycle of the installment frequency (monthly, quarterly, semi-annually or annually) elected by the obligee(s) and with the final installment being due and payable by not later than one hundred twenty (120) months after the confirmation date.

If the obligee expresses no preference as to payment frequency the assessment obligation will be scheduled for payment in ten annual installments. Upon approval of the Tax Collector, the frequency of payment for existing assessment accounts may be changed for the economic and budgetary convenience of the obligee, with the first such change being granted without charge and with subsequent changes being granted with a transaction fee of thirty five (\$35) dollars.

(f) At any time after the first ninety (90) days in the life of an assessment account the full principal balance may be paid in full with all accrued interest and without early payoff penalty.”

Section 2. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. That this Ordinance shall become effective on and after June 18, 2002.

(Signed) Tom Phillips

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02-104 AMENDING CHAPTER 29

AN ORDINANCE AMENDING CHAPTER 29 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO WATER, SEWER AND WASTE DISPOSAL

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 29-3 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (c) and adding a new subsection (d) and a new subsection (e) to read as follows:

“ (c) Upon receiving notice of completion of a Water/Sewer project, City Council shall confirm all assessment obligations in said project and shall call for advertisement of same in a local newspaper published at least weekly and which is generally available to Greensboro Citizens. Such advertisement shall run within forty-five (45) days following the date of confirmation and shall inform that all listed assessment obligations may be fully satisfied, without interest, if payment-in-full of the total principal balance is received by the Tax Collector within ninety (90) days following the date of confirmation.

(d) Assessment accounts not paid in full within ninety (90) days following the confirmation date shall be scheduled for payment in substantially equal installments, plus interest on the whole unpaid principal balance. Such interest shall be computed from the date of confirmation at a rate fixed in the assessment resolution, with said rate not exceeding the maximum allowed by law. The first installment shall become due and payable no later than one year (365 Days) following confirmation, with subsequent installments being due and payable on the regular and sequential cycle of the installment frequency (monthly, quarterly, semi-annually or annually) elected by the obligee(s) and with the final installment being due and payable by not later than one hundred twenty (120) months after the confirmation date.

If the obligee expresses no preference as to payment frequency the assessment obligation will be scheduled for payment in ten annual installments. Upon approval of the Tax Collector, the frequency of payment for existing assessment accounts may be changed for the economic and budgetary convenience of the obligee, with the first such change being granted without charge and with subsequent changes being granted with a transaction fee of thirty five (\$35) dollars.

(e) At any time after the first ninety (90) days in the life of an assessment account the full principal balance may be paid in full with all accrued interest and without early payoff penalty.

Section 2. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. That this Ordinance shall become effective on and after June 18, 2002.

(Signed) Tom Phillips

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119-02 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2001-03 WITH REYNOLDS, INC. FOR SANITARY SEWER REHABILITATION PROJECT "G" IMPROVEMENTS

WHEREAS, Contract No. 2001-03 with Reynolds, Inc. provides for sanitary sewer rehabilitation project "G" improvements;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract up to 100% of the total price, thereby necessitating a change order in the contract in the amount of \$36,096.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Reynolds, Inc. for the Sanitary Sewer Rehabilitation Project "G" improvements is hereby authorized at a total cost of \$36,096.00, payment of said additional amount to be made from Account No. 403-7002-02.6018.002.

(Signed) Tom Phillips

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110-02A RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2002-001122 WITH FINKBEINER, PETTIS & STROUT, INC. FOR ENGINEERING SERVICES FOR THE MCKNIGHT MILL ROAD LIFT STATION FORCE MAIN FINAL DESIGN WORK

WHEREAS, Contract No. 2002-001122 with Finkbeiner, Pettis & Strout, Inc. provides for engineering services for the McKnight Mill Road Lift Station force main final design work;

WHEREAS, design assistance is needed for the next phase of this project, thereby necessitating a change order in the contract in the amount of \$31,100.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Finkbeiner, Pettis & Strout, Inc., Inc. for engineering services for the McKnight Mill Road Lift Station force main final design work is hereby authorized at a total cost of \$31,100.00, payment of said additional amount to be made from Account No. 501-7011-01.5413.

(Signed) Tom Phillips

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111-02A RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-001055 WITH TANK INDUSTRY CONSULTANTS, INC. FOR THE BATTLEGROUND WATER TANK

WHEREAS, Contract No. 2000-001055 with Tank Industry Consultants, Inc. provides for repair work on the Battleground water tank;

WHEREAS, additional repairs are necessary, thereby necessitating a change order in the contract in the amount of \$12,200.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Tank Industry Consultants, Inc. for repair work on the Battleground water tank is hereby authorized at a total cost of \$12,200.00, payment of said additional amount to be made from Account No. 501-7011-01.5413.

(Signed) Tom Phillips

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**112-02A RESOLUTION AUTHORIZING AND APPROVING SALE OF LAND TO BELL SOUTH
TELECOMMUNICATIONS, INC.**

WHEREAS, the City of Greensboro owns residual property located at 2000 Battleground Avenue at Tax Map Number 143-1-14, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Bellsouth Telecommunications, Inc. has offered to purchase a portion of said property for an additional utility easement for the amount of \$500.00, which amount, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$500.00 is hereby approved and the sale of land to Bellsouth Telecommunications, Inc. is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Tom Phillips

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**113-02A RESOLUTION AUTHORIZING AND APPROVING SALE OF LAND TO BELL SOUTH
TELECOMMUNICATIONS, INC.**

WHEREAS, the City of Greensboro owns residual property located at 801-813 Cone Boulevard at Tax Map Number 252-149-3, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Bellsouth Telecommunications, Inc. has offered to purchase a portion of said property for an additional utility easement for the amount of \$150.00, which amount, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$150.00 is hereby approved and the sale of land to Bellsouth Telecommunications, Inc. is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Tom Phillips

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**114-02A RESOLUTION APPROVING LAND EXCHANGE BY SYNGENTA CROP PROTECTION, INC. TO
CITY OF GREENSBORO FOR SIX-MONTH LEASE @ POLICE SUBSTATION- EVIDENCE STORAGE
@ 300 S. SWING ROAD**

WHEREAS, additional property is needed by the City in order to comply with the landscape yard requirements at the District 3 Police Substation located at 312 S. Swing Road;

WHEREAS, Syngenta Crop Protection, Inc. owns property that is adjacent to this property and is willing to convey in fee simple 4,087 square feet to the City;

WHEREAS, the City and Syngenta Crop Protection, Inc. have agreed to the land exchange of the properties located at 312 S. Swing Road for six months;

WHEREAS, it is in the best interest of the City of Greensboro to proceed with the land exchange and six month rental.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the land exchange between the City and Syngenta Crop Protection, Inc. for properties located at 312 S. Swing Road and 300 S. Swing Road is hereby approved and the City Manager is hereby authorized to execute said lease for property located at 300 S. Swing Road for 10,146 square feet of City owned warehouse space.

(Signed) Tom Phillips

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02-105 ORDINANCE AMENDING THE STATE, FEDERAL, AND OTHER GRANT FUND BUDGET FOR FY 2001-2002 FLOOD MITIGATION GRANT FUND

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the State and Federal Grant Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-7053-01.5413	Consultant Services	\$20,000

and that this increase be financed by increasing the following State and Federal Grant Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-7053-01.7100	Federal Grant	\$15,000
220-7053-01.9203	Transfer From Stormwater	<u>\$5,000</u>
		\$20,000

(Signed) Tom Phillips

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02-106 ORDINANCE AMENDING COUNTY CONSTRUCTION PROJECTS FUND

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the County Construction Projects Fund - Sumner Elementary School Sewer Project budget of the City of Greensboro is hereby amended as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
504-7001-01.6017	Sewer Line Construction	\$349,987

And, that these appropriations be financed by the following revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
504-7001-01.6017	Contracted Services – Guilford County	\$349,987

(Signed) Tom Phillips

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02-107 ORDINANCE AMENDING TRANSIT SYSTEM (GTA) FUND FOR FISCAL YEAR 2001-02

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 2001-02 Transit System (GTA) Fund be amended as follows.

<u>Account</u>	<u>Description</u>	<u>Amount</u>
564-4531-01.5423	Contracted Transportation	\$291,500

And, that this amendment is to be financed by the following revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
564-4531-01.7100	Federal Grant	\$116,500
564-4531-01.7500	Transportation Fares	\$125,000
564-4531-01.7505	Bus Pass Sales	\$ 30,000
564-4532-01.7505	Bus Pass Sales	<u>\$ 20,000</u>
		\$291,500

(Signed) Tom Phillips

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A motion to make a part of the minutes report of budget adjustments for period May 1-31, 2002 was unanimously adopted by Council. (A copy of the report is filed in Exhibit Drawer N, Exhibit Number 1 and is hereby referred to and made a part of these minutes.)

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A motion to approve minutes of regular City Council meeting of 21 May 2002 was unanimously adopted by Council.

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The City Manager distributed to Council an ordinance establishing the Fiscal Year 2002-03 Annual Operating Budget; he briefly explained the ordinance with respect to setting the property tax rate and provided a brief summary of the changes made to the budget ordinance that reflected the intent expressed by Council in their most recent budget work session. The Mayor recapped reasons for the shortfall of revenue from the State of North Carolina.

Councilmember Perkins moved adoption of the ordinance. The motion was seconded by Councilmember Carmany. No vote was taken.

Councilmember Phillips moved to amend the Annual Budget Ordinance to reduce the proposed employee compensation package by an additional \$300,000. The motion was seconded by Councilmember Gatten.

The City Manager outlined the reasons he had recommended a higher package and stated he had already cut the amount he proposed initially by \$500,000. While explaining the impact of a slower economy on the increasing demand for City services, the City Manager noted that many City staff had increased their workloads to maintain the level of service needed by the community. He requested Council not to reduce the employee compensation package further than this ordinance proposed.

Council discussed at length various aspects of corporate and government job markets; pros and cons of reducing the employee benefits package, and the possibility of adjusting compensation at a later time if State funds became available through legislative acts.

The Manager explained that adjustment of compensation at a later time would be difficult to provide equitably since the Employee Compensation Plan was based on merit increases corresponding with individuals employment

anniversary dates. He emphasized the importance of his management strategy with respect to viewing the long-term perspective to maintain a strong work force.

Councilmember Phillips's motion to amend the FY 2002-03 Budget Ordinance was adopted on the following roll call vote: Ayes: Carmany, Gatten, Jessup, Johnson and Phillips. Noes: Burroughs-White, Holliday, Perkins and Vaughan.

Councilmember Phillips stated that in the most recent Council budget workshop, Council had discussed eliminating funding for new agencies. After stating that the future funding of human services was in question, Councilmember Phillips moved that the Greensboro Housing Coalition, which was a City Council mandate, be moved under Community Development Block Grant Funds.

Andy Scott, Director of the Housing and Community Development Department, stated that this budget did not have much fluidity and requested direction with respect to where to adjust for these funds.

After Councilmember Burroughs-White cautioned against taking action without a defined fund source, Councilmember Phillips withdrew this motion.

Councilmember Phillips moved to amend that the FY 2002-03 Budget Ordinance be amended to reduce funding to human service agencies by 25% with the exception of the Greensboro Housing Coalition. The motion was seconded by Councilmember Carmany.

Councilmembers Johnson and Burroughs-White expressed concern for cutting funding for the populations with the greatest need, especially children and seniors. Councilmember Perkins proposed the creation of a one-year plan to eliminate funding of human services. Councilmember Gatten expressed her support for the cut with respect to equity in budget cuts. She clarified with Larry Davis, Budget and Evaluation Director, what the impact of the cut would be in terms of dollar allocations.

The motion to reduce funding to human service agencies by 25% with the exception of Administration and the Greensboro Housing Coalition was DEFEATED on the following roll call vote: Ayes: Carmany, Gatten and Jessup. Noes: Burroughs-White, Holliday, Johnson, Perkins, Phillips and Vaughan.

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The Mayor declared a recess at 8:00 p.m.

The meeting reconvened at 8:20 p.m. with all Council members present.

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To accommodate the intent of the motion passed to reduce the employee benefits compensation package by \$300,000, the City Manager recommended that Council consider their motion to reflect a downward adjustment of the appropriated fund balance by rounding off the tax rate increase to one penny to total 3.25 cents. The City Attorney advised that this provision needed to be added as part of the currently proposed amendment to the FY 02-03 Annual Budget Ordinance in terms of reducing the Employee Benefits Compensation package by \$300,000.

Councilmember Gatten moved to amend the tax rate to 3.25 cents to lower the fund balance to accommodate the \$300,000 reduction in the employee benefits compensation package was seconded by Councilmember Carmany and was DEFEATED on the following roll call vote: Ayes: Carmany, Gatten, Phillips. Noes: Burroughs-White, Holliday, Jessup, Johnson, Perkins and Vaughan.

Councilmember Perkins thereupon moved that the 2002-03 Annual Budget Ordinance be adopted without amendments to the City Manager's proposal. The motion was seconded by Councilmember Carmany.

During lengthy discussion, the City Manager advised that while increases in revenue were possible if a legislative bill to increase sales tax went into effect, it would not be prudent to plan tax rebates based on this possibility. He stated that a system was not in place to administer a rebate program that would be complex in terms of incorporation

of property taxes into mortgage costs and noted that the State, Guilford County and potential legislation would not consistently hold the City harmless, thus limiting the City's ability to rely on funds of this nature.

After Councilmember Perkins stated that it was his intent that the City take future action if possible to benefit citizens with any additional revenues, Council voted on Councilmember Perkins motion to adopt the budget as proposed by the City Manager. Because Councilmember Jessup stated he had inadvertently not voted as he had intended, the Clerk was instructed to clear the board. The ordinance received the following roll call vote: Ayes: Carmany, Gatten, Holliday, Perkins, and Vaughan. Noes: Burroughs-White, Jessup, Johnson, and Phillips. The City Attorney confirmed that because five affirmative votes had been recorded, a second reading would be necessary to adopt the ordinance.

Councilmember Gatten thereupon moved that Council hold a special meeting on June 25, 2002 at 9:00 a.m. in the Council Chamber for a second reading of the ordinance adopting the 2002-03 Annual Budget of the City of Greensboro. She advised that this was the time of the regularly scheduled Council Briefing. The motion was seconded by Councilmember Carmany.

The City Manager advised Council to consider scheduling two special meetings. The Mayor stated he recommended scheduling one meeting if Council would still have time to come back for a second meeting if needed.

Councilmember Jessup stated he had not planned to attend the Council Briefing on June 25, 2002. Following brief discussion, the motion to schedule a special meeting for June 25, 2002 at 9:00 a.m. was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins and Vaughan. Noes: Jessup and Phillips.

After the City Manager advised that the remaining budget items could not be considered by Council prior to adoption of the FY 02-03 Annual Budget Ordinance. In response to Council discussion, the City Attorney advised that the prevailing side could move to reconsider the FY 02-03 Annual Budget Ordinance.

Councilmember Carmany moved to reconsider the FY 02-03 Annual Budget Ordinance. The motion was seconded by Councilmember Perkins and adopted on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Vaughan. Noes: Jessup and Phillips.

Council discussed future expenses to be considered in the next year's budget. Councilmember Carmany urged Council to keep in mind that in the next year or two, a substantial tax and/or fee increase would be needed to fund the change planned for transition from solid waste disposal at the White Street Land Fill to alternative solid waste transfer stations and disposal options. Other concerns Council discussed included potential increases in crime due to funding cuts for crime prevention programs and human services.

In response to questions about possible changes to debt service in the event of increased revenues through potential sales tax allocation legislation, the Manager explained that bond issue processes involved extensive procedures over a period of time, which would not allow for great change once in process.

Following additional discussion, Councilmember Carmany moved adoption of the 2002-03 Annual Budget Ordinance. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Jessup, Perkins, and Vaughan. Noes: Burroughs-White, Johnson, and Phillips.

02-108 AN ORDINANCE ADOPTING THE 2002-03 ANNUAL BUDGET OF THE CITY OF GREENSBORO

Be it ordained by the City Council of the City of Greensboro that for the purpose of financing expenditures of the City of Greensboro, North Carolina, there is hereby appropriated from taxes and other revenue collectible the following funds for operation of City government and its activities for the Fiscal Year 2002-03 beginning July 1, 2002 and ending June 30, 2003.

Section 1. It is estimated that the following expenditures are necessary for current operating expenditures and debt service payments for the City of Greensboro for the Fiscal Year 2002-03, beginning July 1, 2002 and ending June 30, 2003.

General Fund		
Current Operating Expense	175,256,535	
Transfer to Debt Service	<u>13,440,605</u>	\$188,697,140
Street & Sidewalk Revolving Fund		
Current Operating Expense		3,180,000
State Highway Allocation Fund (Powell Bill)		
Current Operating Expense		9,775,000
Stormwater Management Fund		
Current Operating Expense		6,658,835
Cemeteries Operating Fund		
Current Operating Expense		683,470
Hotel/Motel Occupancy Tax Fund		
Current Operating Expense		3,387,090
Special Tax Districts Fund		
Current Operating Expense		36,500
Nussbaum Housing Partnership Revolving Fund		
Current Operating Expense		2,191,035
Debt Service Fund		
Debt Service		17,879,320
Water Resources Enterprise Fund		
Current Operating Expense		54,331,985
War Memorial Coliseum Complex Fund		
Current Operating Expense		14,221,500
Bryan Park Enterprise Fund		
Current Operating Expense		2,951,255
Parking Meter Enterprise Fund		
Current Operating Expense		388,250
Davie Street Parking Facility Fund		
Current Operating Expense		432,195
Parking Facilities Operating Fund		
Current Operating Expense		2,884,540
Solid Waste Management System Fund		
Current Operating Expense		24,135,085
Greensboro Transit Authority Fund		
Current Operating Expense		9,623,495
Equipment Services Fund		
Current Operating Expense		13,960,240

Technical Services Fund	
Current Operating Expense	2,911,450
Telecommunications Fund	
Current Operating Expense	1,339,280
Graphic Services Fund	
Current Operating Expense	872,985
Employee Insurance Fund	
Current Operating Expense	17,959,610
General Insurance Fund	
Current Operating Expense	2,016,860
Capital Leasing Fund	
Current Operating Expense	<u>16,150,000</u>
Total	\$396,667,120
Less Total Transfers and Internal Charges	<u>(83,251,035)</u>
Net Total	\$313,416,085

Section 2. It is estimated that the following revenues will be available during the Fiscal Year beginning July 1, 2002 and ending June 30, 2003 to meet the foregoing appropriations:

General Fund		
Property Tax	\$101,502,380	
Sales Tax	29,528,040	
Franchise Tax	11,679,000	
State Collected Local Revenues	948,300	
ABC Store Revenue	2,165,620	
Privilege License	3,240,000	
All Other	30,518,680	
Appropriated Fund Balance	<u>9,115,120</u>	\$188,697,140
Street & Sidewalk Revolving Fund		
Assessments/Other Revenue	2,076,000	
Appropriated Fund Balance	<u>1,104,000</u>	3,180,000
State Highway Allocation Fund (Powell Bill)		
State Grant	7,195,475	
Other Revenue	990,200	
Appropriated Fund Balance	<u>1,589,325</u>	9,775,000
Stormwater Management Fund		
Stormwater Utility Fees	6,436,725	
Other Revenue	<u>222,110</u>	6,658,835
Cemetery Operating Fund		
Lot Sales	188,040	
Cemetery Services	258,850	
Other Sources	108,915	
Transfer from General Fund	<u>127,665</u>	683,470

Hotel/Motel Occupancy Fund

Other Revenue	580,400	
Hotel/Motel Tax	2,668,400	
Appropriated Fund Balance	<u>138,290</u>	3,387,090

Special Tax Districts Fund

Property Taxes	36,500	36,500
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Nussbaum Housing Partnership Revolving Fund

Transfer from the General Fund	1,789,880	
Other Revenue	<u>401,155</u>	2,191,035

Debt Service Fund

Other Revenue	2,715,000	
Transfer from the General Fund	13,057,060	
Appropriated Fund Balance	<u>2,107,260</u>	17,879,320

Water Resources Enterprise Fund

Water & Sewer Charges	44,902,000	
Assessments	700,000	
Other Revenue	1,665,440	
Capacity Use Fees	2,800,000	
Industrial Waste Control	600,000	
Appropriated Fund Balance	<u>3,664,545</u>	54,331,985

War Memorial Coliseum Complex Fund

Concessions	3,266,025	
Admissions and Charges	2,525,620	
Transfer from General Fund	1,750,000	
Other Revenue	<u>6,679,855</u>	14,221,500

Bryan Park Enterprise Fund

Golf Fees	1,773,750	
Transfer from General Fund	262,630	
Other Revenue	<u>914,875</u>	2,951,255

Parking Meter Enterprise Fund

Parking Fees	328,250	
Other Revenue	<u>60,000</u>	388,250

Davie Street Parking Facility Fund

Parking Fees	264,000	
Other Revenue	14,150	
Appropriated Fund Balance	<u>154,045</u>	432,195

Parking Facilities Operating Fund

Parking Fees	1,433,900	
Transfer From General Fund	1,150,455	
Other Revenue	65,800	
Transfer From Parking Meter/Davie Street Deck Funds	120,740	
Appropriated Fund Balance	<u>113,645</u>	2,884,540

Solid Waste Management System

Solid Waste Disposal Fees	8,266,570	
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Transfer from General Fund	7,373,045	
Collection Fees	7,759,500	
Other Revenue	<u>735,970</u>	24,135,085
<i>Greensboro Area Transit Authority Fund</i>		
Property Taxes	3,373,990	
State and Federal Grants	2,442,490	
Transportation Fares	1,059,700	
Duke Power Contribution	1,338,495	
Other Revenue	393,985	
Appropriated Fund Balance	<u>1,014,835</u>	9,623,495
Equipment Services Fund		
Automotive Services	12,774,840	
Other Revenue	905,500	
Appropriated Fund Balance	<u>279,900</u>	13,960,240
<i>Technical Services Fund</i>		
Radio Charges	2,342,115	
Other Revenue	<u>569,335</u>	2,911,450
<i>Telecommunications Fund</i>		
Telephone Services	1,219,805	
Other Revenue	65,430	
Appropriated Fund Balance	<u>54,045</u>	1,339,280
<i>Graphic Services Fund</i>		
Printing Services	<u>872,985</u>	872,985
<i>Employee Insurance Fund</i>		
Premiums	17,406,425	
Transfer from General Fund	14,400	
Other Revenue	<u>538,785</u>	17,959,610
<i>General Insurance Fund</i>		
Premiums	1,732,155	
Transfer from General Fund	0	
Other Revenue	<u>284,705</u>	2,016,860
<i>Capital Leasing Fund</i>		
Internal Charges	9,350,000	
Capital Lease	<u>6,800,000</u>	<u>16,150,000</u>
Total		\$396,667,120
Less Total Transfers and Internal Charges		<u>(83,251,035)</u>
Net Total		\$313,416,085

Section 3. There is hereby levied the following rates of tax on each one hundred dollars (\$100.00) valuation of taxable real property and taxable tangible personal property, as listed for taxes as of January 1, 2002, for the purpose of raising the revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

a) For the payment of general operating expenses and capital expenditures of the City including the payment of principal and interest of the bonded indebtedness of the City of Greensboro	.5975
b) For the payment of general operating expenses and capital expenditures associated with the improvement of transit operations within the City of Greensboro	<u>.0200</u>
Total	.6175

Such rates of tax are based on an estimated total appraised valuation of property for purposes of taxation of \$16,984,250,000 and an estimated rate of collection of ninety-eight and one-half percent (98.5%).

Section 4. There is hereby levied the following rates of tax on each one hundred dollars (\$100.00) valuation of taxable real property and taxable tangible personal property in the following special tax districts, as listed for taxes as of January 1, 2002, for the purposes as set for in the Special Historic Districts as authorized by City Council:

a) College Hill Historic District for improvements as stated in the Special Historic District Plan	.05
b) Charles B. Aycock Historic District for improvements as stated in the Special Historic District Plan	.05

Such rates of tax are based on the estimated total appraised valuations in each Historic District and an estimated rate of collection of ninety-eight and one-half percent (98.5%).

Section 5. Appropriations hereinabove authorized and made for the purpose other than necessary governmental functions are hereby made from revenue collectible from miscellaneous revenues and sources other than taxes. Appropriations authorized for Cultural Contributions and Chamber of Commerce Contributions are hereby made from revenues collectible from sources other than taxes.

Section 6. Appropriations hereinabove authorized and made for water and sewer operating fund, water and sewer current operating expense and debt service, are made from revenue collectible for the operation of the combined water and sewer systems and miscellaneous revenue.

Section 7. Appropriations hereinabove authorized and made shall have the amounts of the outstanding purchase orders and unearned portion of contracts at June 30, 2002 (rounded to the nearest five dollars) added to each appropriation as it applies in order to properly account for the payment against the fiscal year in which it is paid.

Section 8. Copies of this ordinance shall be furnished to the Budget and Evaluation Director, Finance Director and the City Clerk within five days after adoption to be kept on file by them for their direction in the disbursement of City funds.

Section 9. This ordinance shall be effective from and after the date of July 1, 2002.

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Councilmember Johnson thereupon moved to cancel the June 25, 2002 Special Meeting scheduled earlier in the meeting. The motion was seconded by Councilmember Vaughan and adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips, and Vaughan. Noes: None.

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In response to an inquiry about procedure, the City Attorney advised Council it would be preferable to consider the remaining budget items individually versus with a blanket motion. Councilmember Phillips noted that he was opposed to funding the Multi-Modal Center Project.

After the Mayor introduced a resolution adopting the FY 2002-2008 Capital Improvements Program (CIP).

Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Vaughan. Noes: Phillips.

02-108 RESOLUTION ADOPTING SIX YEAR CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, capital improvements programming is a comprehensive approach to improving social and physical conditions in a governmental jurisdiction by evaluation of growth and development trends;

WHEREAS, capital improvements programming serves as a basic framework for scheduling public improvements and requires the assistance of government officials and agencies, as well as community residents;

WHEREAS, a report entitled *2002-2008 Capital Improvements Program* has been prepared;

WHEREAS, after conduct of a public hearing and resulting review and discussion, the Planning Board recommends adoption of the *2002-2008 Capital Improvements Program*;

WHEREAS, the report provides a comprehensive listing of needed public improvements and related financial resources, indicates estimated future revenues and operating expenditures, illustrates the importance of relating the City's comprehensive plans to its fiscal capability and provides recommendations for scheduling each public improvement project, while estimating planning, design and development costs

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council recognizes the capital improvements programming process as the translation of community goals and objectives into needed physical facilities which are essential to residential, business, institutional and leisure activities, and

2. That the City Council does hereby adopt the report entitled *Capital Improvements Program 2002-08*. Following is an expense summary by service category and related financing as is included in the FY 02-08 Capital Improvements Program:

Expenditures

Public Safety	\$29,917,187
Transportation	119,623,949
Economic and Community Development	22,826,690
Environmental Protection	148,721,250
Culture and Recreation	48,305,830
General Government	<u>7,993,130</u>
Total	\$377,388,036

Financing

General Fund	\$8,992,500
Enterprise Funds	43,543,780
Street and Sidewalk Funds	8,620,000
Powell Bill/State Road Funds	43,466,808
Authorized GO Bonds	140,920,828
GO Bonds to be Authorized	17,487,430
Revenue Bonds	95,825,000
Grants/Other Rev Sources	<u>18,531,690</u>
Total	\$377,388,036

(Signed) Florence Gatten

(A copy of the 2002-2008 Capital Improvements Program is filed in Exhibit Drawer N, Exhibit Number 39, which is hereby referred to and made a part of these minutes.)

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After Mayor Holliday introduced an ordinance establishing the FY 2002-03 budget for the Greensboro/ High Point/Guilford County Job Training Consortium, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan.

02-109 ORDINANCE ESTABLISHING THE FY 02-03 GRANT PROJECT BUDGET GREENSBORO/HIGH POINT/GUILFORD COUNTY JOB TRAINING CONSORTIUM

WHEREAS, the Local Government Budget and Fiscal Control Acts, as amended, provides for grant project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of grant projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year and to permit the use of continuing appropriations of the FY 02-03 grant project for the Workforce Investment Act Grant with revenues and expenditures being specifically defined as is shown below:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the grant project budget for the FY 02-03 Workforce Investment Act Grant be established and appropriated for the life of the project as follows:

<u>Description</u>	<u>Estimated Expenditures</u>	<u>Estimated Revenues</u>
Adult Program	462,929	
Youth Program	519,926	
Dislocated Worker Program	615,718	
Program Administration	177,620	
Federal and State Grants	_____	<u>1,776,193</u>
TOTAL	\$1,776,193	\$1,776,193

2. AND THAT, the expense and revenue estimates here-in-above authorized and made for the FY 02-03 Workforce Investment Act Project shall be documented and recorded by line item within the accounting system of the City of Greensboro so as to provide a foundation for the proper recording of actual revenue and expenditures and shall be duly filed with the City Clerk of the City of Greensboro.

3. This ordinance shall be effective from and after the date of July 1, 2002.

(Signed) Yvonne J. Johnson

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The Mayor introduced an ordinance establishing the FY 2002-03 budget for the Community Development Block Grant (CDBG).

After Council discussed the idea of placing a lien on the property to be purchased by Project Homestead with \$200,000 of City funding, Councilmember Phillips moved to amend the ordinance by adding that as a stipulation to the \$200,000 funding for Project Homestead, a deed of trust shall be applied to the property, identified as East Market Square, Inc., located at 1524,1600,1608 and 1612 East Market Street, in Greensboro, North Carolina, 27401, for 120 months from the date of closing, in which no interest shall be assessed and no payment shall be

required; on the condition that in the event of sale of the property purchased with said funds, prior to the end of the 120 month term, the \$200,000 will be repaid to the City of Greensboro. The motion was seconded by Councilmember Johnson. The ordinance was amended on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips, and Vaughan. Noes: None.

After Councilmember Phillips stated he did not believe funding a restaurant was an appropriate use of CDBG funds, Councilmember Burroughs-White thereupon moved adoption of the ordinance establishing the Fiscal Year 2002-03 Budget for Community Development Block Grant Funding. The motion was seconded by Councilmember Johnson; the motion was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Vaughan. Noes: Phillips.

02-110 ORDINANCE ESTABLISHING FY 02-03 GRANT PROJECT BUDGET FOR COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, the Local Government Budget and Fiscal Control Act, as amended, provides for grant project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of grant projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, and to permit the use of continuing appropriations to account for Community Development Block Grant FY 02-03, it is deemed in the best interest of the City to establish a special grant project ordinance for Community Development Block Grant FY 02-03, with the revenues and expenditures being established as shown below:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the grant project budget for Community Development Block Grant FY 02-03 be established and appropriated for the life of the project as follows:

<i>Estimated Description</i>	<i>Estimated Expenditures</i>	<i>Revenues</i>
Mandated Payments:		
CDBG Administration & Planning	\$470,000	
Section 108 Loan Repayment	560,000	
Affordable Housing:		
Homeless Prevention	250,000	
Homeowner Rehabilitation	376,000	
Rental Rehabilitation	100,000	
Neighborhood Development:		
Target Areas	700,000	
Neighborhood Assistance	40,000	
Economic Development:		
Project Homestead	<u>200,000</u>	
Total	\$2,696,000	
Governmental Grant		\$2,041,000
Program Income		500,000
Reprogrammed Funds		<u>155,000</u>
Total		\$2,696,000

2. That as a stipulation to the \$200,000 funding for Project Homestead, a deed of trust shall be applied as a lien to the property, identified as East Market Square, Inc. and located at 1524,1600,1608,1612 East Market Street, in Greensboro, North Carolina 27401, for 120 months from the date of closing, in which no interest shall be assessed and no payment shall be required; on the condition that in the event of sale of the property purchased with said funds prior to the end of the 120 month term, the \$200,000 will be repaid to the City of Greensboro.

3. This ordinance shall be effective from and after the date of July 1, 2002.

(Signed) Claudette Burroughs-White

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Mayor Holliday introduced an ordinance establishing the FY 02-03 Home Program Grant Project Budget for the Greensboro/Guilford/High Point/Burlington/Alamance Housing Consortium. Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-111 ORDINANCE ESTABLISHING THE FY 02-03 HOME PROGRAM GRANT PROJECT BUDGET
FOR THE GREENSBORO/GUILFORD/HIGH POINT/BURLINGTON/ALAMANCE HOUSING
CONSORTIUM

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990, authorizes contiguous units of local government to form consortia in order to receive HOME funding as one jurisdiction;

AND WHEREAS, the City of Greensboro, the City of High Point and Guilford County formed a HOME Consortium and subsequently added the City of Burlington and Alamance County;

AND WHEREAS, State Statutes require pre-authorization of the expenditure of Federal Grant Funds by the Governing Body having jurisdiction over and responsibility for said funds;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the Grant Project Budget for the FY 02-03 HOME Program Grant be established and appropriated for the life of the project as follows:

<i>Description</i>	<i>Estimated Expenditures</i>	<i>Estimated Revenues</i>
<u><i>Greensboro</i></u>		
Single Family Homeownership Development	151,800	
Affordable Rental Housing Development	385,000	
Homeowner Rehabilitation	374,000	
Administration	<u>101,155</u>	
Total Greensboro	\$1,011,955	
<u><i>Guilford County</i></u>		
New Construction – SHARE (CHDO)	\$20,000	
Servant Center	105,796	
New Construction – Project Homestead (CHDO)	154,387	
Administration	<u>31,131</u>	
Total Guilford County	\$311,314	
<u><i>High Point</i></u>		
Owner Occupied Rehabilitation	\$115,388	
Homeownership Assistance	120,000	

Emergency/Limited Rehabilitation	115,388
CHDO Activities	70,155
Administration	<u>46,770</u>
Total High Point	\$467,701

Description	Estimated <u>Expenditures</u>	Estimated <u>Revenues</u>
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Burlington

Owner-Occupied Housing Rehabilitation	\$162,310
CHDO Project Assistance	32,462
Administration	<u>21,641</u>

Total Burlington	\$216,413
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Alamance County

Homeowner Rehabilitation	\$67,196
CHDO Set-aside	13,439
Administration	<u>8,959</u>

Total Alamance County	\$89,594
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2002-2003 HOME Grant	\$1,941,000
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Reprogrammed Funds from FY 01-02	\$ 155,977
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<i>Total Consortium</i>	<i>\$2,096,977</i>	<i>\$2,096,977</i>
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2. This ordinance shall be effective from and after the date of July 1, 2002.

(Signed) Sandy Carmany

.....

Mayor Holliday introduced an ordinance establishing the FY 02-03 budget for KIDS, Inc. Councilmember Phillips advised that the City's role in this budget item was to serve as a fund administrator for organizations providing services. Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-112 ORDINANCE ESTABLISHING FY 02-03 GRANT PROJECT BUDGET FOR KIDS, INC. DAY CARE PROJECT

WHEREAS, the Local Government and Fiscal Control Act, as amended, provides for grant budgeting pursuant to G. S. 159-13.2 and as an alternative to the annual budgeting of grant project funds and;

WHEREAS, in order to alleviate the requirement to re-authorize unused appropriations from fiscal year to fiscal year and to permit the continuing use of residual appropriations to underwrite costs that are attributable to KIDS, INC. project activities, it is deemed in the best interest of the City of Greensboro and KIDS, INC. to establish a special FY 02-03 grant project budget for KIDS, INC., with revenue and expenditures being authorized as shown below:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the FY 02-03 grant project budget for KIDS, INC. be established and appropriated for the life of the project as follows:

<u>Account Number</u>	<u>Description</u>	<u>Estimated Expenditures</u>	<u>Estimated Revenues</u>
212-2033-01.5121	Heat & Electricity	\$8,200	
212-2033-01.5131	Water & Sewer Utility	600	
212-2033-01.5141	Stormwater Fee	100	
212-2033-01.5422	Contract Maint of Buildings	4,000	
212-2033-01.5613	Maint & Repair Buildings	3,900	
212-2033-01.5710	Insurance Premiums	200	
212-2033-01.5990	Contingency	3,265	
212-2033-01.7801	Rent-Real Estate	_____	<u>\$20,265</u>
Total		\$20,265	\$20,265

2. This ordinance shall be effective from and after the date of July 1, 2002.

(Signed) Yvonne Johnson

.....

The Mayor introduced an ordinance establishing the FY 02-03 budget for Housing Opportunities for Persons with Aids (HOPWA). Councilmember Vaughan moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-113 ORDINANCE ESTABLISHING FY 02-03 GRANT PROJECT BUDGET FOR HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

WHEREAS, the Local Government Budget and Fiscal Control Act, as amended, provides for grant project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of grant projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, and to permit the use of continuing appropriations to account for HOPWA program activities, it is deemed in the best interest of the City to establish a special grant project ordinance for HOPWA FY 02-03, with the revenues and expenditures being established as shown below:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the grant project budget for HOPWA FY 02-03 be established and appropriated for the life of the project as follows:

<i>Description</i>	<i><u>Estimated Expenditures</u></i>	<i><u>Estimated Revenues</u></i>
City of Greensboro Administration	\$4,130	
Eastern Triad HIV Consortium Contract		
Includes: Administration	\$8,260	
Housing Resource Coordinator position	\$49,360	
Needs Assessment Contract	\$10,000	
Housing/Care Service Agencies	\$102,900	

Housing Authorities – Rental Vouchers	\$140,700	
Emergency Assistance	\$97,650	
	<u>\$408,870</u>	
	\$413,000	
Governmental Grant		<u>\$413,000</u>
Total		\$413,000

2. This ordinance shall be effective from and after the date of July 1, 2002.

(Signed) Donald R. Vaughan

.....

Mayor Holliday introduced an ordinance amending the Street and Sidewalk Capital Project Fund. Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Carmany. The ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-114 ORDINANCE ESTABLISHING CAPITAL PROJECT BUDGET FOR FY 02-03 STREET AND SIDEWALK CAPITAL PROJECTS FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, it is deemed in the best interest of the City to establish a special capital project ordinance for Street and Sidewalk Capital Projects to be undertaken in FY 02-03;

AND WHEREAS, the revenues and expenditures shown below are being established for these capital projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the following capital project budgets for Street and Sidewalk Projects be established and appropriations for the life of the projects will be as follows:

<u>Account Number</u>	<u>Description</u>	<u>Estimated Expenditures</u>	<u>Estimated Revenues</u>
401-6022-01.6014	Street Construction	\$500,000	
401-6022-01.6012	Land Right-of Way	100,000	
401-6022-01.9201	Transfer From Street and Sidewalk Fund		\$600,000
401-6022-02.6015	Sidewalk Construction	250,000	
401-6022-02.9201	Transfer From Street and Sidewalk Fund		250,000
401-6022-03.6019	Other Improvements	100,000	
401-6022.03.9201	Transfer From Street and Sidewalk Fund	_____	<u>100,000</u>
	Total	\$950,000	\$950,000

2. This ordinance shall be effective from and after the date of July 1, 2002.

(Signed) Claudette Burroughs-White

.....

The Mayor introduced an ordinance amending the State Highway Allocation Capital Project Fund. Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-115 ORDINANCE ESTABLISHING CAPITAL PROJECT BUDGET FOR FY-02-03 STATE HIGHWAY ALLOCATION CAPITAL PROJECTS FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, it is deemed in the best interest of the City to establish a special capital project ordinance for State Highway Allocation Projects to be undertaken in FY 02-03;

AND WHEREAS, the revenues and expenditures shown below are being established for these capital projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the following capital project budgets for State Highway Allocation Projects be established and appropriations for the life of the projects will be as follows:

<u>Account Number</u>	<u>Description</u>	<u>Estimated Expenditures</u>	<u>Estimated Revenues</u>
402-6022-01.6012	Land Right-Of-Way	150,000	
402-6022-01.6014	Street Construction	850,000	
402-6022-01.9202	Transfer From State Highway Allocation Fund		1,000,000
402-6022-02.6015	Sidewalk Construction	450,000	
402-6022-02.9202	Transfer From State Highway Allocation Fund		450,000
402-6022-03.6019	Other Improvements Transfer From State Highway Allocation Fund	450,000	
		_____	<u>450,000</u>
	Total	\$1,9000,000	\$1,900,000

2. This ordinance shall be effective from and after the date of July 1, 2002.

(Signed) Sandy Carmany

.....

Mayor Holliday introduced an ordinance amending the Water Resources Capital Improvements Fund. Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday,

Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-116 ORDINANCE ESTABLISHING CAPITAL PROJECT BUDGET FOR FY 02-03 WATER RESOURCES
CAPITAL IMPROVEMENTS FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, it is deemed in the best interest of the City to establish a special capital project ordinance for Water Resources Capital Projects to be undertaken in FY 02-03;

AND WHEREAS, the revenues and expenditures shown below are being established for these capital projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

2. That the following capital project budgets for Water Resources Capital Projects be established and appropriations for the life of the projects will be as follows:

<u>Account Number</u>	<u>Description</u>	<u>Estimated Expenditures</u>	<u>Estimated Revenues</u>
503-7012-01.6012	Land	\$50,000	
503-7012-01.6016	Water Lines	\$500,000	
503-7012-01.6016	Water Lines Rehabilitation	\$200,000	
503-7012-02.6012	Land	\$100,000	
503-7012-02.6017	Sewer Lines	\$650,000	
503-7012-02.6017	Sewer Lines Rehabilitation	\$1,750,000	
503-7012-03.6019	Water Tanks	\$450,000	
503-7012-01.9501	Trans. From Water Res Oper Fund		\$750,000
503-7012-02.9501	Trans. From Water Res Oper Fund		\$2,500,000
503-7012-03.9501	Trans. From Water Res Oper Fund		\$450,000
Total		\$3,700,000	\$3,700,000

2. This ordinance shall be effective from and after the date of July 1, 2002.

(Signed) Yvonne Johnson

.....

The Mayor introduced an ordinance establishing Capital Project Budget for FY-02-03 General Capital Projects Fund. Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-118 ORDINANCE ESTABLISHING CAPITAL PROJECT BUDGET FOR FY 02-03 GENERAL
CAPITAL PROJECTS FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, it is deemed in the best interest of the City to establish a special capital project ordinance for General Fund Capital Projects to be undertaken in FY 02-03;

AND WHEREAS, the revenues and expenditures shown below are being established for these capital projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

3. That the following capital project budgets for General Capital Projects be established and appropriations for the life of the projects will be as follows:

<u>Account Number</u>	<u>Description</u>	<u>Estimated Expenditures</u>	<u>Estimated Revenues</u>
410-5005-01.6019	Other Improvements	\$ 350,000	
410-2004-01.6019	Citizens CIP	118,000	
Total			
410-0000-00.9101	Transfer From Gen Fund	_____	<u>\$468,000</u>
Total		\$468,000	\$468,000

4. This ordinance shall be effective from and after the date of July 1, 2002.

(Signed) Sandy Carmany

.....

Mayor Holliday introduced an ordinance amending the Solid Waste Capital Improvements Fund. Councilmember Vaughan moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-119 ORDINANCE ESTABLISHING CAPITAL PROJECT BUDGET FOR FY 02-03 SOLID WASTE CAPITAL IMPROVEMENTS FUND

WHEREAS, the Local Government Budget and Fiscal Control Act provides for capital project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of capital projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, it is deemed in the best interest of the City to establish a special capital project ordinance for Solid Waste Capital Projects to be undertaken in FY 02-03;

AND WHEREAS, the revenues and expenditures shown below are being established for these capital projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

5. That the following capital project budgets for Solid Waste Capital Projects be established and appropriations for the life of the projects will be as follows:

<u>Account Number</u>	<u>Description</u>	<u>Estimated Expenditures</u>	<u>Estimated Revenues</u>
554-0000-00.5949	Miscellaneous	\$1,000,000	
554-0000-00.9551	Trans. From Solid Waste Oper Fund		\$1,000,000
		_____	_____

Total	\$1,000,000	\$1,000,000
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2. This ordinance shall be effective from and after the date of July 1, 2002.

(Signed) Donald R. Vaughan

.....

The Mayor introduced an ordinance amending Chapter 25 of the Greensboro City Code of Ordinances with respect to Solid Waste to adjust fees for refuse collection services. Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-120 AN ORDINANCE AMENDING CHAPTER 25 OF THE GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO SOLID WASTE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That Section 25-21 of the Greensboro Code of Ordinances is hereby amended to read as follows:

- (a) Automated container program. There is hereby established a monthly charge for the availability for collection services to remove and dispose of any one or all discarded wastes in any city approved and authorized container or receptacle, other than stationary containers, or other city approved collection services for public or private streets. The charge shall be five dollars (\$5.00) per month for each location serving a property owner or tenant. This fee shall become effective on and after January 1, 2003 and is billed in advance.
- (b) Stationary container program. There is hereby established a charge for collection of wet and dry garbage from stationary containers, said charge shall be one hundred three dollars and fifty cents (\$103.50) per month for each stationary container. This fee shall become effective on and after January 1, 2003.

Section 2: That the table in Section 25-21 (h) of the Greensboro Code of Ordinances is hereby deleted and replaced with the following:

(h) Fee schedule for construction and demolition material.

		Construction and Demolition Materials	Roofing Materials
(1)	Pickups and small trucks (excluding dump trucks)	\$22.00 per ton	\$45.00 per load
(2)	Single axle dump trucks	\$22.00 per ton	\$100.00 per load
(3)	Dual axle dump trucks	\$22.00 per ton	\$180.00 per load
(4)	Tri-axle dump trucks	\$22.00 per ton	\$225.00 per load
(5)	Pull-behind trailers	\$22.00 per ton	\$250.00 per load
(6)	20-yard roll-off containers	\$22.00 per ton	
(7)	30-yard roll-off containers	\$22.00 per ton	
(8)	40-yard roll-off containers	\$22.00 per ton	

Section 3: That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4: This ordinance shall be effective from and after the date of July 1, 2002.

(Signed) Yvonne Johnson

.....

Mayor Holliday introduced an ordinance amending Chapter 29 of the Greensboro Code of Ordinances with respect to Water, Sewers and Waste Disposal to adjust fees for water and wastewater provision services Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-121 AN ORDINANCE AMENDING CHAPTER 29 OF THE GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO WATER RESOURCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That Section 29-46 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 29-46. Generally.

Rates for water and sewer service shall apply only to the quantities shown in the corresponding brackets, and the cost of any quantity shall be the cumulative total of all portions of that quantity. Rates for sewer service inside the city shall be a uniform charge of one dollar and seventy-five cents (\$1.75) per one hundred (100) cubic feet of wastewater discharge plus a billing and availability charge as shown below:

Size of Meter	Billing and Availability Charge
5/8"	\$2.70
3/4"	4.00
1"	6.70
1 1/4"	8.70
1 1/2"	13.50
2"	21.50
3"	43.00
4"	67.00
6"	134.00
8"	216.00

The billing and availability charge shall be charged with each billing, whether monthly or quarterly billing. Rates for sewer service outside the city shall be a uniform charge of three dollars and fifty cents (\$3.50) per one hundred (100) cubic feet of wastewater discharge plus a billing and availability charge each month as shown below:

Size of Meter	Billing and Availability Charge
5/8"	\$5.40
3/4"	8.00
1"	13.40
1 1/4"	17.40
1 1/2"	27.00
2"	43.00
3"	86.00
4"	134.00
6"	268.00
8"	432.00

No discounts shall be allowed from the rates fixed on the above schedule. The annual sewer charge inside the city for unmetered accounts shall be two hundred and fifteen dollars (\$215.00) or a pro rata portion for the months that the service was provided. The annual sewer charge outside the city for unmetered accounts shall be four hundred and thirty dollars (\$430.00) or a pro rata portion for the months that the service was provided. If a meter was cut off before the end of the billing period, the actual consumption plus the billing and availability charge for the appropriate meter size shall be charged.

Section 2: That Section 29-47 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 29-47. Quarterly rates inside the city; billing and availability charges.

Quarterly rates shall apply to meters normally reading less than fifty dollars (\$50.00) monthly that are inside accounts.

- (a) *Residential water charges.* Quarterly billed (inside) accounts with 5/8" and 3/4" meters that are billed as residential accounts shall be charged a billing and availability charge of two dollars and seventy cents (\$2.70) or four dollars (\$4.00) respectively, for each quarter. In addition, the account will be charged for water consumed as follows:

	Per Unit
First 9 units	\$1.12
10th through 30th units	1.55
31st through 60th units	2.00
All units over 60	2.50

- (b) *Non-residential water charges.* All quarterly billed (inside) accounts not described in (a) above or (c) below shall be billed one dollar and fifty-five cents per unit (\$1.55) per unit plus a billing and availability charge as follows:

Size of Meter	Billing and Availability Charge
5/8"	\$2.70
3/4"	4.00
1"	6.70
1 1/4"	8.70
1 1/2"	13.50

- (c) *Irrigation use.* All quarterly billed irrigation accounts (water metered separately for irrigation or other outside use only) shall be charged two dollars and fifty cents (\$2.50) per unit plus a billing and availability charge as follows:

Size of Meter	Billing and Availability Charge
5/8"	\$2.70
3/4"	4.00
1"	6.70
1 1/4"	8.70
1 1/2"	13.50

Section 3: That Section 29-48 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 29-48. Monthly rates inside the city; billing and availability charges.

- (a) *Residential water charges.* Monthly billed (inside) accounts with 5/8" and 3/4" meters that are billed as residential accounts shall be charged a billing and availability charge of two dollars and seventy cents (\$2.70) or four dollars (\$4.00) respectively, for each month. In addition, the account will be charged for water consumed as follows:

	Per Unit
First 3 units	\$1.12
4th through 10th units	1.55
11th through 20th units	2.00
All units over 20	2.50

- (b) *Non-residential water charges.* All monthly billed (inside) accounts not described in (a) above or (c) below shall be billed a billing and availability charge as follows:

Size of Meter	Billing and Availability Charge
---------------	---------------------------------

5/8"	\$2.70
3/4"	4.00
1"	6.70
1 1/4"	8.70
1 1/2"	13.50
2"	21.50
3"	43.00
4"	67.00
6"	134.00
8"	216.00

Consumption of water shall be billed at one dollar and fifty-five cents (\$1.55) per unit for all units.

- (c) *Irrigation use.* All inside monthly billed irrigation accounts (water metered separately for irrigation or other outside use only) shall be charged two dollars and fifty cents (\$2.50) per unit plus a billing and availability charge as shown in (b) above.

Section 4: That Section 29-49 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 29-49. Monthly rates outside city: billing and availability charges.

All water meters outside the corporate limits of the city shall be read monthly and shall be billed at the following rates:

- (a) *Residential water charges.* Outside accounts with 5/8" and 3/4" meters that are billed as residential accounts shall be charged a billing and availability charge of five dollars and forty cents (\$5.40) or eight dollars (\$8.00) respectively, for each month. In addition, the account will be charged for water consumed as follows:

	Per Unit
First 3 units	\$ 2.24
4th through 10th units	3.10
11th through 20th units	4.00
All units over 20	5.00

- (b) *Non-residential water charges.* All outside accounts not described in (a) above or below shall be billed a billing and availability charge as follows:

Size of Meter	Billing and Availability Charge
5/8"	\$ 5.40
3/4"	8.00
1"	13.40
1 1/4"	17.40
1 1/2"	27.00
2"	43.00
3"	86.00
4"	134.00
6"	268.00
8"	432.00

Consumption of water shall be billed at three dollars and ten cents (\$3.10) per unit for all units.

- (c) *Irrigation use.* All outside irrigation accounts (water metered separately for irrigation or other outside use only) shall be charged five dollars (\$5.00) per unit plus a billing and availability charge as shown in (b) above.
- (d) Monthly rates charged to consumers provided sewer service by the Town of Jamestown should be as commensurate with sewer service charges adopted by the Town of Jamestown.
- (e) Monthly rates charged to consumers provided sewer service by the City of High Point shall be as commensurate with sewer service charges adopted by the City of High Point.

Section 29-54. Miscellaneous water and sewer charges.

The following miscellaneous service charges are hereby adopted and approved:

(19) Raw water charges: Inside City: \$1.25 per hundred cubic feet; Outside City: \$2.50 per hundred cubic feet

Section 5: That this ordinance shall become effective on and after January 1, 2003.

Section 6: That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Sandy Carmany

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The Mayor introduced an ordinance amending Chapter 8 of the Greensboro Code of Ordinances with respect to Cemeteries. Councilmember Vaughan moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

**02-122 AN ORDINANCE AMENDING CHAPTER 8 OF THE GREENSBORO CODE OF ORDINANCES
WITH REPSECT TO CEMETERIES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Sec. 8-3(a) of the Greensboro Code of Ordinances is hereby amended by changing the words and figures "seven hundred eighty dollars (\$780.00)" to "eight hundred fifty-five dollars (\$855.00)".

Section 2. That Sec. 8-3(b) of the Greensboro Code of Ordinances is hereby amended by changing the words and figures "eight hundred fifty-five dollars (\$855.00)" to "nine hundred thirty dollars (\$930.00)".

Section 3. That Sec. 8-3(c) of the Greensboro Code of Ordinances is hereby amended by changing the words and figures "eight hundred fifty-five dollars (\$855.00)" to "nine hundred thirty dollars (\$930.00)".

Section 4. That Sec. 8-3(d) of the Greensboro Code of Ordinances is hereby amended by changing the words and figures "four hundred fifty dollars (\$450.00)" to "five hundred dollars (\$500.00)".

Section 5. That Sec. 8-3(e) of the Greensboro Code of Ordinances is hereby amended by changing the words and figures "three hundred fifty dollars (\$350.00)" to "four hundred dollars (\$400.00)".

Section 6. That Sec. 8-4(a) of the Greensboro Code of Ordinances is hereby amended by rewriting the same to read as follows:

"(a) The fee for digging an adult grave in any of the city cemeteries when funeral services are scheduled between the hours of 8:00 a.m. and 3:00 p.m. on Monday through Friday is hereby fixed at seven hundred seventy-five dollars (\$775.00) per grave; the fee for digging a child's grave up to four (4) feet is hereby fixed at four hundred fifty dollars (\$450.00) per grave. The fee for digging a grave for interring urns of ashes is hereby fixed at three hundred fifty dollars (\$350.00)".

Section 7. That Sec. 8-4(b) of the Greensboro Code of Ordinances is hereby amended by changing the words and figures "eight hundred twenty-five dollars (\$825.00)" to "eight hundred seventy-five dollars (\$875.00)", "five hundred twenty-five dollars (\$525.00)" to "five hundred fifty dollars (\$550.00)", and "four hundred twenty-five dollars (\$425.00)" to "four hundred fifty dollars (\$450.00)".

Section 8. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 9. That this ordinance shall become effective July 1, 2002.

(Signed) Donald R. Vaughan

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Councilmember Carmany stated the Council had discussed and tentatively agreed to charge tenants at the Cultural Arts Center for overhead cost recovery. Following brief discussion, Councilmember Carmany moved that the City assess the tenants of the Cultural Arts Center 50 cents per square foot for overhead cost recovery fee beginning January 1, 2003 based on the actual square footage occupied, not to include common areas; and that the lease would also require standard operating hours for the tenants.

Councilmembers Burroughs-White and Johnson expressed concerns with respect to not including tenants in this decision making process and the impact the fees would have on tenants. Council discussed that the increase would be for half of the new fiscal year and that there would be time for discussion to occur with tenants to develop long-range policies.

The motion to charge tenants at the Cultural Arts Center for overhead cost recovery was seconded by Councilmember Phillips and adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

.....

The Mayor introduced a resolution endorsing the Airport Area Plan. Bill Ruska, Zoning Administrator, stated he had served as the City staff representative to the Airport Area Plan Development Committee, who had presented the plan to the City Planning Board and other governing bodies. He introduced Marlene Sanford, co-chair of the Transportation Subcommittee, to provide an update.

In Ms. Sanford's comments about the Committee's involvement in the development of the Airport Area Plan over three years she explained that there was a 1986 Airport Area plan, followed by a 1994 Master Plan, which included the Piedmont Center, Urban Loop, I-40 widening, watershed protection issues, and the proposed FedEx cargo hub. She stated that the current plan development process was citizen based, included a public hearings process, and that the land use plan was multi-jurisdictional for mixed land uses.

Ms. Sanford presented a map of the airport area and provided information with respect to noise factors in terms of noise contours; transportation improvement plans, and environmental protection plans. She spoke to minor modifications and endorsements to the plan by other municipalities and noted that this plan provided an update to existing plans.

After the Mayor asked if anyone wished to speak to this matter, Councilmember Phillips moved to allow speakers three minutes per person for this item. The motion was seconded by Councilmember Perkins and unanimously adopted by voice vote of Council.

The following persons spoke in opposition to the proposal:

Austin Goldman, residing at 6206 Brook Shadow Drive, presented maps of the airport area and expressed concerns that night time noise from the proposed FedEx hub would negatively impact his family.

Johnny Gregory, residing at 6 East Fountain View Circle, spoke to actions of other municipalities with respect to the Airport Area Plan resolution. He presented maps, provided information that pertained to noise cones and shared his opinion with respect to the impact of the FedEx plan and airport area residential property values.

Lucy Smith, residing at 6004 Morganshire Drive, Summerfield, NC, provided information, spoke to calculation of noise levels, and shared her opinions that the calculations did not reflect what would actually be experienced by area residents and would not meet World Health Organization standards.

Jody Deitrich, residing at 108 Prairie Trail, shared her opinion with respect to varying agencies' standards for acceptable noise levels and asserted that the level of noise anticipated from the FedEx hub would be harmful to citizens in terms of ability to sleep and air quality.

Valerie Rechten, residing at 1512 Double Oaks Road, spoke to personal opinions concerning the proposed FedEx hub.

Christina Peeler, residing at 3702 O'Briant Place, stated she had served on the Airport Area Plan Development Committee. She spoke to noise level measurement and her opinion that the noise resulting from the FedEx hub would negatively impact residents of the area.

Roch Smith, residing at 203 East Bessemer Avenue, spoke to his opinions with respect to perceived discrepancies in noise levels projections based on the age of the software used to determine noise level models.

Richard Black, residing at 4103 O'Briant Place, stated he was co-chair of the committee and shared his opinions that the noise contours were based on thirty-year old computer programs. He noted the times and locations he anticipated noise would be a problem if the FedEx hub were developed.

Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Perkins.

During lengthy discussion with respect to the concerns presented by speakers, Council noted that the resolution endorsing the Airport Area Plan pertained to an update on the existing plan for future growth and development of the area.

After Councilmember Burroughs-White called the question, the motion to call the question was seconded by Councilmember Phillips. No vote was taken on this motion.

The resolution was thereupon adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

116-02 A RESOLUTION ENDORSING THE AIRPORT AREA PLAN

WHEREAS, the area near Piedmont Triad International Airport (PTIA) is growing in importance as a transportation hub, an employment center and as a location for residential development; and

WHEREAS, it is desirable to provide and insure a high quality of life for citizens of this area; and

WHEREAS, a Plan Update Committee representing the eight jurisdictions in the airport area was formed in 1999 to revise the existing Airport Area Plan that was developed in 1986; and

WHEREAS, this effort has resulted in preparation of the Airport Area Plan Update, and

WHEREAS, public presentations were held before the Planning Board on May 15, 2002 and before the City Council on June 18, 2002; and

WHEREAS, the Airport Area Plan Update provides a guide for land development and growth that will accommodate the changes in transportation, noise impacts and traffic impacts that are projected for the area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENSBORO, NORTH CAROLINA:

- 1) The Airport Area Plan Update is endorsed as a guide to future growth and development in the airport area.
- 2) The City of Greensboro will consider the recommendations of the Plan Update when making decisions that affect the airport area.

(Signed) Tom Phillips

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The Mayor introduced an ordinance amending Chapter 14.5 of the Greensboro Code of Ordinances with

respect to Massage and Bodywork Therapy. The City Attorney explained that the ordinance was in response to new state law requirements for masseuses and would require submission of a copy of masseuses' State licenses to the City.

Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-123 AMENDING CHAPTER 14.5

AN ORDINANCE AMENDING CHAPTER 14.5-4 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO MASSAGE AND BODYWORK THERAPY

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 14.5-4 of the Greensboro Code of Ordinances is hereby amended by adding a new subsection (c) to read as follows:

"(c) Any person or entity applying for a massage business privilege license shall be required to submit with the license application, their North Carolina Employer ID number and a list, including the name, address, and North Carolina drivers license number, or picture ID issued by the North Carolina DMV of each and every employee, contract worker or hiree who is to perform massage or bodywork therapy, and a copy of the current State massage and body work therapy license issued to each such employee, contract worker, or hiree pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes and further that the business licensee shall immediately within 14 fourteen days notify the Tax Collector of the City of Greensboro if and when such State license expires and is not immediately renewed, or is revoked, suspended, or otherwise terminated; further and in the case of license renewals, the applicant shall provide a list of all employees, contract workers and hirees who provided massage therapy on the business premises in the ninety days immediately preceding the date of the application .'

"(d) During the course of the privilege license year, and upon the written request of the Tax Collector, licensees will provide a complete and accurate update of the list required in, and by, paragraph "c" above, including all required information. Such update shall be received in the Office of the Tax Collector within fourteen (14) calendar days after the licensee receives the written request for same."

Section 2. That Section 14.5-5 of the Greensboro Code of ordinances is hereby amended by deleting the current subsection (a) and replacing it with a new subsection (a) to read as follows:

(a) Any person or entity licensed under this Chapter and found to be in violation of any of its provisions shall be guilty of a Class 3 misdemeanor and shall be fined five hundred dollars (\$500.00) for each day the violation is not corrected. Each day of violation shall be a separate offense and subject to additional fines. Upon the second violation in the same license year said license shall be revoked for six (6) months. License revocation shall precipitate and require closure of the business and further require that no similar use be made of the property during the period of revocation. Failure to pay any and all fines levied under this Chapter, within thirty days of notice of the violation and fine, shall also subject the licensee to revocation proceedings. The rights of the licensee in the event of license revocation shall be the same as are spelled out in Chapter 13 Section 48 of the Greensboro Code of Ordinances.

Section 3. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. That this Ordinance shall become effective on and after June 18, 2002.

(Signed) Florence Gatten

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Mayor Holliday introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Administration, setting the District One Council meeting.

Councilmember Vaughan stated he could not attend the District One Special Meeting on the date proposed in the ordinance.

After brief discussion, Councilmember Vaughan moved that the ordinance be tabled to the July 16, 2002 meeting, pending the City Clerk's confirmation for a meeting location for the alternate date of September 26, 2002. The motion was seconded by Councilmember Perkins and unanimously adopted by voice vote of the Council.

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The Mayor introduced a resolution authorizing purchase in the amount of \$372,500 of property from Janice L. and William Keith Stanley for the new library site. Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

117-02A RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF JANICE L. AND WILLIAM KEITH STANLEY FOR THE NEW LIBRARY SITE

WHEREAS, in connection with the new library project, the property owned by Janice L. and William Keith Stanley located at Tax Map 505-1-18, 19, 2 & 1 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$360,000.00 and the owner has agreed to settle for the price of \$372,500.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$372,500.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 447-5501-01.6011.

(Signed) Don Vaughan

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Mayor Holliday introduced an ordinance amending Chapter 27 of the Greensboro Code of Ordinances with respect to Storm Water Management. At the request of the City Manager, Councilmember Vaughan moved to delete this item from the agenda. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

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The Mayor declared a recess at 11:05 p.m.

The meeting reconvened at 11:15 p.m. with all Council members present.

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The Mayor introduced an ordinance amending Chapter 29.5 of the Greensboro Code of Ordinances with respect to Emergency Water Conservation and Restriction Plan. City Manager Kitchen stated that he anticipated moving to Stage IIB of the Water Conservation and Restriction Ordinance on June 24, 2002 and outlined reasons for proposed changes to the ordinance with respect to water restrictions applicable to golf courses and athletic fields. He noted that if conditions did not improve, it could be necessary to move to more severe restrictions in the next month.

Allan Williams, Water Resources Director, confirmed that because the current water supply was approaching

125 days, he would recommend to the City Manager to enact the next level of water restrictions on June 24, 2002. Mr. Williams spoke to widespread drought conditions throughout the Cape Fear River Basin and noted that the City's increased water supply from other municipalities was helping to reduce the demand on City lakes.

Todd Williams, residing at 1005 Idlewood Drive, spoke to the negative impact of the drought and water restrictions on landscaping businesses and cited a lack of demand for new plants due to restrictions on landscape watering. He spoke to City inspection processes related to requirements for landscape installations with new construction and asked for consideration for the landscaping industry with respect to restrictions.

Mr. Martin, Planning Director, clarified that inspections were not prohibited and that delayed landscaping options were available to developers to avoid risk of planting failures due to the drought conditions. He noted that conditional permits were being issued while bonds were retained until required plantings could be done under appropriate conditions.

Councilmember Burroughs-White thereupon moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-124 AMENDING CHAPTER 29.5

AN ORDINANCE AMENDING CHAPTER 29.5 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO EMERGENCY WATER CONSERVATION AND RESTRICTION PLAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Sec. 29.5-1. Declaration.

Whenever the water supply of the City of Greensboro's public water system is low and declining due to conditions which may adversely affect the continued availability of water for human consumption, sanitation, health and fire protection, it may become necessary to declare a water shortage and implement conservation requirements under the standards set forth below.

Sec. 29.5-2. Definitions.

For the purpose of this chapter, the following terms, words, and phrases and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

"City" is the City of Greensboro.

"Customer" is a person in whose name a water connection is made and to whom a bill is issued, whether such connection is inside or outside the corporate limits of the city.

"Person" is any person, firm, partnership, association, corporation, company, limited liability company, professional association, or organization of any kind. The term "person" shall also include customers.

"Water" is raw or treated water from the city public water supply system.

Sec. 29.5-3. General.

A water shortage shall be declared to exist when the reserve supply available to the City of Greensboro will have reached the point where the citizens cannot be supplied with water to protect their health and safety without substantially curtailing the water demand. A water shortage shall also be declared to exist when production, transmission, and storage facilities are incapable of meeting all daily water demands without endangering the ability to protect public safety and health without substantially curtailing water demand.

Sec. 29.5-4 Notice to general public of water shortage.

- (a) In the event of a water shortage of any of the degrees of severity hereinafter set forth in the city water supply threatening the health and safety of the citizens, as determined by the director of water resources, the city manager of the City of Greensboro is authorized and empowered, after communication to the Mayor and City Council, to give notice to the general public of the existence of such state and the severity thereof. In order to protect the health and safety of the people supplied water by the City of Greensboro, the city manager may place in effect the restrictive provisions hereinafter authorized. Notice shall be given by public press announcement and by signing an executive order. The order shall become effective twenty-four (24) hours following the press announcement and the signing of the order.
- (b) Once a stage of water restriction is declared the water resources director shall review the number of day's supply of water available to the city system at least every seven (7) days. A declared stage shall remain in effect for a minimum of thirty (30) days; provided however, that if conditions as listed in Section 29.5-5(a) warrant, a more restrictive level may be enacted immediately. At the end of thirty (30) days, and following the periodic review, the water resources director shall notify the city manager if the number of days' water supply exceeds the upper threshold of the effective stage by more than seven (7) days. In such event, the city manager shall declare the appropriate stage to be in effect.
- (c) In addition to the other powers contained in this chapter the city manager, when notified by the director of water resources that there is a serious and immediate threat to the city water system because of reduced water quality, treatment capacity, treated supply recovery time, or other imminent condition, may temporarily impose restrictions on automated, and manual sprinkling. Such restrictions may include, among others, limitations on methods of sprinkling the hours and days, and whether such sprinkling may occur at all. In such event the notice provisions contained in section 29.5-4(a) shall apply and the enforcement provisions of sections 29.5-7 through 29.5-11 shall be applicable. The city manager, or City Council, may terminate, by written notice, such restrictions when the threat has abated. Any violation of this sub-section by a residential user shall be treated as a Stage IIB violation for the purpose of imposing civil penalties.

Sec. 29.5-5. Compliance required in the event of a water shortage.

- (a) In the event the city manager issues the notice described in section 29.5-4, it shall be unlawful for any person to use or permit the use of water from the water system of the City of Greensboro for any of the purposes hereinafter set forth until such time as this Article is amended or repealed, or until the city manager has declared such provisions no longer in effect. In exercising this authority, considerations shall be given to the following criteria: water levels in the reservoirs, capabilities of the water production and distribution system, drawdown rates, outlook for precipitation, daily water use patterns, **stream flows**, seasonal and long-term weather patterns, and availability of water from other sources.
- (b) Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution to the extent compliance will not endanger the health of the patients or residents of the institution.
- (c) Each hospital, nursing home or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.
- (d) The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems.

- (1) By June 1, 2000, all sprinkler systems equipped with a timer, shall be equipped with rain sensors as approved by the City Water Resources Department. Rain sensors shall be activated to prevent the system from operating after 1/4" of rain has fallen.
- (2) It shall be unlawful to operate any sprinkler system during times of rain or to operate a sprinkler, at any time, so as to disperse water on an impervious surface.
- (3) Any violation of sub-sections 29.5-5(d)(1) and (2) by a residential user shall be treated as a Stage IIB violation for the purpose of imposing civil penalties.

Sec 29.5-6 Restrictions applicable to various levels of Lake Brandt and Lake Townsend.

The severity of the water shortages shall be determined primarily by the levels of Lakes Brandt and Townsend in light of the criteria set out in subsection 29.5-5(a). The restrictive measures in effect at each stage are as follows:

- (a) Stage I Water Restriction Alert. In the event water levels of Lakes Brandt and Townsend do not conform to seasonal expectations as determined by the water resources director using the criteria set out in subsection 29.5-5(a), or daily water demand is approaching ninety five percent (95%) of system capacity the director shall notify the city manager in writing. Upon such notification the city manager shall declare a Stage I Water Restriction Alert. After complying with those notice provisions contained in Sec. 29.5-4, the following voluntary water restrictions shall be requested.
 - (1) Voluntary, commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:
 - a. Inspect and repair all faulty and defective parts of faucets and toilets.
 - b. Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes.
 - c. Do not leave faucets running while shaving, rinsing dishes, or brushing teeth.
 - d. Limit use of clothes washers and dishwashers and when used, operate fully loaded.
 - e. Limit lawn watering to that necessary for plant survival
 - f. Water shrubbery the minimum required, reusing household water when possible.
 - g. Limit vehicle washing.
 - h. Do not wash down outside areas such as sidewalks, patios, driveways, etc.
 - i. Install water flow restrictions in showerheads and other water saving devices.
 - j. Use disposable and biodegradable dishes where possible.
 - k. Install water saving devices in toilets such as early closing flapper valves.
 - l. Limit hours of water-cooled air conditioners.
 - m. Do not fill swimming or wading pools.
 - (2) Water supply line pressure should be reduced where feasible to reduce water consumption if it will not affect operation of fixtures, equipment, public safety, or health, devices.
 - (3) Conservation in public buildings, institutions, dormitories, and similar facilities is encouraged by reducing pressure at plumbing fixtures, and by installation of restricting devices.
 - (4) Water conservation should be followed during all phases of construction-related activities. Where appropriate, water needed should be obtained from supplemental sources.
- (b) Stage IIA Water Shortage Level I Warning. In the event the previous voluntary restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in Section 29.5-5(a), determines that there are no more

than one hundred fifty (150) days' supply of water available to the city water system, the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a Stage IIA Water Shortage Level I Warning to exist. After complying with those notice provisions contained in Sec. 29.5-4(a), the following mandatory water restrictions shall be imposed. It shall be unlawful:

(1) To water lawns, grass, shrubbery, trees, flower and vegetable gardens except by hand held-hose, container, or drip irrigation system; provided, however, that such plantings may be watered by any customer by manual or automated sprinkling one (1) day a week. Customers are allowed to do such sprinkling on the day of their city garbage pickup. Customers who do not have city garbage service, or who have multiple pickups during the week, shall be permitted to sprinkle on Wednesdays only. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water, by any method at any time, for irrigation of their commercial stock in trade.

(2) To exceed the following water usage mandate: Public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method during the hours of 10:00 p.m. till 5:00 a.m. each day and shall reduce water usage by forty (40) percent of their average usage during the corresponding billing period for the most recent twelve month period, in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department.

- **a. It is the primary responsibility of each customer to meet its mandated water use reduction in whatever manner possible.**

- **b. Each such customer shall provide access to city personnel for the purposes of meter reading and monitoring compliance with this chapter.**

- **c. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.**

- **d. Any customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.**

- **1. "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate.**

- **2. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.**

- **3. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.**

- Other restrictions contained in Stage I shall remain voluntary.

(c) Stage IIB Water Shortage Level II Warning. In the event the previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and

the water resources director, using those criteria set out in Section 29.5-5(a), determines that there are no more than one hundred twenty-five (125) days' supply of water available to the city water system, the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a Stage IIB Water Shortage Level II Warning to exist. After complying with those notice provisions contained in Sec. 29.5-4, the following mandatory water restrictions shall be imposed. It shall be unlawful to:

- (1) Water or sprinkle any lawn, vegetable garden, grass, shrubbery, trees, or flowers except by a hand-held hose, container, or drip irrigation system. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade.
Provided further, that public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method pursuant to the same terms and conditions set out in Sec. 29.5-6(4)(b)(2) except that the mandatory water use reduction shall be sixty (60) percent.
- (2) Operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
- (3) Wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment; except that parts of vehicles may be washed where required by federal, state, or local laws or for safety reasons. Provided, however, that any commercial or business operated car wash facility shall be permitted to use water for such purposes.
- (4) Wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or patios, or to use water for similar purposes; provided, however, hand washing of exterior surfaces of a building for the purpose of preparing them for painting shall be permitted. Provided further, licensed commercial pressure washers shall be permitted to operate.
- (5) Operate or introduce water into any ornamental fountain, pool, or pond or other structure making similar use of water.
- (6) Serve drinking water in restaurants, cafeterias, or other food establishments, except as requested.
- (7) Use water from any public or private fire hydrants for any purpose other than fire suppression or other public emergency or water resources department need.
- (8) Use water for dust control or compaction.
- (9) Use water for any unnecessary purpose or intentionally wastewater.

The owner or occupant of any land or building who receives water from the city and also uses water from a well or other supply shall post a sign thereon, in a conspicuous place, furnished at no cost by the city water resources department giving notice of the use of well or other sources of supply.

All industrial, manufacturing, and commercial enterprises, and all customers with swimming and wading pools and tennis courts, shall reduce consumption to any degree feasible with a goal of a reduction of at least 25% of their usual usage.

- (d) Stage III Water Shortage Danger. In the event the previous (voluntary and mandatory) restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in Section 29.5-5(a), determines that there are not more than one hundred (100) days' supply of water available to the city water system, the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a Stage III Water Shortage Danger to exist. After complying with those notice provisions contained in Sec. 29.5-4, the following mandatory water restrictions, in addition to those imposed in Stages IIA and IIB, shall be imposed. It shall be unlawful to:

- (1) Water or sprinkle any lawn, grass, shrubbery, trees, or flowers except from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure, except that newly planted shrubbery, trees or flowers may be watered by hand-held hose. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade. State, county, and city licensed landscape contractors may continue to water plantings which are under written warranty by hand-held hose, container or drip irrigation.
- (2) Water any vegetable garden except by hand held hose, container, or drip irrigation system.
- (3) Fill or refill any single-family swimming or wading pool or water any tennis court if a residential customer.
- (4) Make any nonessential use of water for commercial or public use.
- (5) Exceed the following water usage mandate: Commercial and multi-family swimming pool customers shall reduce water usage by twenty-five (25) percent **and public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method and shall reduce water usage by eighty (80) percent.** of their average usage during the corresponding billing period for the most recent twelve month period, in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department. Such customers include governmental, commercial, industrial, institutional, public, social, multi-family, and all other such users.
 - a. It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
 - b. Each customer shall provide access to city personnel for the purposes of meter reading and monitoring of compliance with this chapter.
 - c. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.
 - d. Any customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
 1. "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate.
 2. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
 3. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least fifty (50) percent of their average usage as compared with their usage during the corresponding billing period for the most recent twelve month period in which no stage of this chapter was in effect; provided, this goal shall not apply to those customers who wash parts of vehicles where such washing is required by federal, state, or local laws, or for health or safety reasons.

- (e) Stage IV Water Shortage Emergency. In the event previous restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in Sec. 29.5-5(a), determines that there are no more than seventy-five 75 days' supply of water available to the city water system, the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a Stage IV Water Shortage Emergency to exist. Upon such declaration, the city shall be deemed to be in a state of emergency with respect to its water supply and residential customers shall reduce consumption to any degree feasible with a goal of a reduction of at least twenty-five (25) percent of their average usage. After complying with those notice provisions contained in Sec. 29.5-4, in addition to the restrictions heretofore imposed in Stages IIB and III, the following mandatory water restrictions shall be imposed. It shall be unlawful to:
 - (1) Use water outside a structure for any use other than emergencies involving fire or as needed by the water resources department to maintain the system, except that flowers, plants, and shrubs may be watered from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure.
 - (2) Operate an evaporative air conditioning unit which recycles water except during the operating hours of the business.
 - (3) Wash any vehicle for any purpose, whether inside or outside a structure, except that commercial and business operated car washes may do so as provided in subsection (4) hereof; and provided that parts of vehicles may be washed where required by federal, state, or local laws for health reasons.
 - (4) Exceed the following water usage mandate: All non-residential customers shall reduce their water usage by twenty-five (25) percent except commercial and business operated car washes and non-single family residential customers who operate swimming or wading pools or tennis courts shall reduce such usage by fifty (50) percent, of their average usage during the corresponding billing period for the most recent twelve month period, , in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department. Non-residential customers include governmental, commercial, industrial, institutional, public, social, and all other such users.
 - a. It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
 - b. Each customer shall provide access to city personnel for the purposes of meter reading and monitoring of compliance with this chapter.
 - c. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.
 - d. Any such customer who exceeds the allotments established pursuant to this

water rationing will be subject to the following excess-use water rates.

1. "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate; except that commercial and business operated car washes and non-single-family swimming and wading pool and tennis court users shall be computed at ten (10) times the normal rate for excess use
 2. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
 3. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.
- (5) Make any water service connections except as herein provided. Connections to the city water system shall be allowed, but not required, in the following cases if all other requirements of law pertaining to such connections have been met:
- a. Lots, upon which construction has been authorized pursuant to a valid building permit issued prior to the effective date of the Stage IV Water Shortage Emergency; provided, that this exemption shall apply for only so long as such building permit remains in effect.
 - b. Public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals, emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the State of North Carolina.
- (f) Stage V Water Shortage Crisis. In the event previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in Sec. 29.5-5(a), determines that there are no more than fifty (50) days' supply of water available to the city water system, the water resources director shall so notify the city manager in writing. Upon such notification the city manager shall declare a Stage V Water Shortage Crisis to exist and residential customers shall continue to reduce consumption to any degree feasible with a goal of a reduction of at least forty (40) percent of their average usage. After complying with those notice provisions contained in Section 29.5-4, in addition to the restrictions heretofore imposed under Stages IIB, III and IV, the following mandatory water restrictions shall be imposed. It shall be unlawful to:
- (1) Serve food or beverages in restaurants, cafeterias and other commercial food establishments to customers using anything other than disposable plates, saucers, cups, eating utensils, napkins and tablecloths.
 - (2) Wash any vehicle for any purpose, whether inside or outside a structure, except those parts of vehicles may be washed where required by federal, state, or local laws, or for health or safety.
 - (3) Exceed the following water usage mandate. All non-residential customers shall reduce their water usage by fifty (50) percent of their average usage during the

corresponding billing period for the most recent twelve-month period, , in which no stage of this chapter was in effect; except that water may not be used to fill or top off any swimming or wading pool. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department.

- a. It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours or days if necessary.
 - b. Each customer shall provide access to city personnel for the purpose of reading and monitoring of compliance with this chapter.
 - c. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.
 - d. Any water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
 1. "Excess-use water rates" will be collected based on the amount by which a customer's monthly use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at ten (10) times the normal rate.
 2. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
 3. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.
- (4) Make any new service connections to the city water system except for public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals and emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the State of North Carolina.

Sec. 29.5-7 Compliance.

Compliance with the provisions with this chapter shall be enforced by personnel of the water resources department, the Greensboro Police Department, and other such personnel as designated by the city manager. Failure to comply with any of the regulations of this chapter shall be unlawful and a violation of the chapter and all remedies authorized by law for noncompliance with the chapter, including the issuance of a civil penalty citation or action for injunctive relief, may be exercised to enforce its provisions. It shall be unlawful to fail to act in accordance therewith or to use water in any manner or attempt to evade or avoid such water restrictions.

Sec. 29.5-8 Enforcement and civil penalty.

- (a) Residential users. Any residential user who shall violate any provision of this chapter shall be subject to civil penalties. Civil penalties for a violation of Stage IIA, IIB and III

mandatory restrictions shall be as follows: a warning for the first offense; a civil penalty in the amount of one hundred dollars (\$100.00) for the second offense; a civil penalty in the amount of two hundred dollars (\$200.00) for the third and successive offenses. In Stages IV or V, there shall be no warnings given for violations by residential users of the mandatory restrictions of these Stages and the penalties shall be one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and successive offenses.

- (b) Non-residential users. Any non-residential customer, who violates any provision of this chapter, shall be subject to a civil penalty except as provided in subsection (d) below. Civil penalties for a violation of any mandatory restriction of any Stage of this chapter shall be as follows: a civil penalty of two hundred dollars (\$200.00) for the first violation; a civil penalty of five hundred dollars (\$500.00) for the second violation; and a civil penalty of one thousand dollars (\$1,000.00) for the third and successive offenses.
- (c) Cumulation of violations. Violations shall be accumulated by all customers so long as this chapter, in any of its stages, is continuously in effect and until no stage of this chapter has been in effect for a period of one (1) calendar year. Violations of any of the mandatory restrictions of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during the period described herein, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.
- (d) Civil penalties for excessive water use. Excessive use water rates imposed upon users by Stages III, IV and V shall constitute the sole monetary penalty for such excessive use. Other violations by such users shall be subject to the civil penalties set out herein. Other enforcement procedures shall apply to such users for excessive use and other violations.

Sec. 29.5-9 Criminal fines.

Upon a fourth violation of this chapter a criminal warrant shall be issued to the offending person. Any violations of the provisions of this chapter shall constitute a Class 3 misdemeanor punishable upon conviction *by a term of imprisonment up to twenty (20) days* and by a fine not exceeding a maximum of five hundred dollars (\$500.00) as provided by General Statute Section 14-4 and in addition thereto such violation may be enjoined and restrained as provided in General Statute Section 160A-175. The issuing of a criminal warrant shall not prohibit the imposition of further civil penalties.

Sec. 29.5-10 Discontinuance of service.

The water resources director shall have the authority to discontinue, or restrict, water service to any person or structure in the event of a violation of the provisions of this chapter during a Stage IIA, Stage IIB, Stage III, Stage IV or Stage V water shortage period **or for uncorrected water leakage**. Prior to such termination, or restriction, of water supply, the director shall give at least two (2) working days written notice of intent to terminate or restrict. Within the said two days, the person, upon petition to the city manager, or his designee, may be heard as to why such termination should not be enforced. No notice shall be required to discontinue, or turn off, outside water service which is provided solely for lawn and shrubbery sprinkler systems, swimming pools, or other non-essential uses. When a water service has been discontinued, or turned off, it shall be unlawful to reactivate such service without the permission of the director of water resources during a Stage IIA, Stage IIB, Stage III, Stage IV or Stage V water shortage period.

Sec. 29.5-11 Continuing and separate violations.

Each day's continuing violation of this chapter shall be a separate and distinct criminal and civil offense. Each violation of the chapter shall be a separate offense even if occurring on the same day.

Sec. 29.5-12 Severance provision.

If any section, subdivision, clause, or provision of this chapter shall be judged invalid, such adjudication shall apply only to such section, subdivision, clause, or provision so adjudged, and the remainder of this chapter shall be declared valid and effective.

Sec. 29.5-13 Application of chapter.

The provisions of this chapter shall apply to all such persons using public water both in and outside the city, regardless of whether any such person using water shall have a contract for water service with the city.

Sec. 29.5-14 Termination of declared emergency.

Termination of any phase of the emergency provisions of this chapter shall be determined by the city manager when he finds that the water supply of the city water system is no longer so low as to constitute a water emergency.

Upon termination of any emergency declared under this chapter, all fines or penalties incurred by any person or customer shall remain in effect until paid. Upon such termination discontinued users may have their service restored upon payment of the regular cut-on fees except for those users cut off without notice.

Sec. 29.5-15 Repeal of prior ordinances.

All Ordinances and clauses of ordinances in conflict herewith are stayed while any stage of this chapter is in effect. Such conflicting ordinances and clauses shall become effective upon termination of such stages.

This ordinance shall be effective immediately upon adoption.

(Signed) Claudette Burroughs-White.

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Mayor Holliday introduced the following resolution, a copy of which had been provided to each Councilmember, which was read by title and summarized by the Finance Director:

RESOLUTION CALLING A PUBLIC HEARING
CONCERNING THE FINANCING AND REFINANCING
OF CERTAIN PUBLIC PARKING FACILITIES
PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT

WHEREAS, the City Council of the City of Greensboro, North Carolina (the "City") is considering (a) the financing, pursuant to an installment financing agreement (the "2002 Financing Agreement") proposed to be entered into by and between the City and Greensboro Center City Corporation (the "Corporation"), of the construction of improvements to the City's Davie Street parking deck and (b) the refinancing, pursuant to the 2002 Financing Agreement, of the City's installment payment obligations under the Installment Purchase Agreement, dated as of December 1, 1991, by and between the Corporation and the City, as the same relates to the outstanding principal balance of \$21,615,000 Certificates of Participation (1991 Parking Facilities Project), executed and delivered by the Corporation under date of December 1, 1991; and

WHEREAS, the 2002 Financing Agreement, if entered into, will comply in all respects with Section 160A-20 and Chapter 159, Article 8 of the General Statutes of North Carolina and the guidelines of the Local Government Commission of North Carolina for all financings undertaken pursuant to said Section and Article; and

WHEREAS, said Section 160A-20 requires that, before entering into an installment financing agreement involving real property, the City shall hold a public hearing on such agreement; now, therefore,
BE IT RESOLVED by the City Council of the City of Greensboro:

Section 1. A public hearing with respect to the 2002 Financing Agreement is hereby directed to be held on Tuesday, July 16, 2002, at 6:00 P.M., in the Council Chamber at the Melvin Municipal Office Building in Greensboro, North Carolina.

Section 2. The City Clerk is hereby directed to publish notice of said public hearing, in substantially the following form, once at least ten (10) days prior to the date of the public hearing as required by Section 160A-20(g) of the General Statutes of North Carolina:

NOTICE OF PUBLIC HEARING BY
THE CITY COUNCIL OF
THE CITY OF GREENSBORO,
NORTH CAROLINA, CONCERNING
THE FINANCING AND REFINANCING
OF CERTAIN PUBLIC PARKING FACILITIES
PURSUANT TO AN INSTALLMENT
FINANCING AGREEMENT

NOTICE IS HEREBY GIVEN to all interested persons that the City Council of the City of Greensboro, North Carolina (the "City") is considering (a) the financing, pursuant to an installment financing agreement (the "2002 Financing Agreement") proposed to be entered into by and between the City and Greensboro Center City Corporation (the "Corporation"), a North Carolina nonprofit corporation, of the construction of improvements to the City's Davie Street parking deck and (b) the refinancing, pursuant to the 2002 Financing Agreement, of the City's installment payment obligations under the Installment Purchase Agreement, dated as of December 1, 1991, by and between the City and the Corporation, as the same relates to the outstanding principal balance of \$21,615,000 Certificates of Participation (1991 Parking Facilities Project), Series 1991, executed and delivered by the Corporation under date of December 1, 1991. It is expected that the Corporation will execute and deliver Certificates of Participation, evidencing proportionate and undivided interests in the Installment Payments to be made by the City under the 2002 Financing Agreement, in an aggregate principal amount not exceeding \$15,000,000, for the purpose of financing the improvements and refinancing the installment payment obligations described above.

NOTICE IS HEREBY FURTHER GIVEN that the City Council will hold a public hearing in the Council Chamber at the Melvin Municipal Office Building, 300 West Washington Street, Greensboro, North Carolina, on July 16, 2002, at 6:00 P.M., or an adjournment thereof, at which time any person may be heard regarding the proposed 2002 Financing Agreement.

CITY OF GREENSBORO, NORTH CAROLINA

By: Juanita F. Cooper
 City Clerk

Section 3. This resolution shall take effect upon its passage.

Thereupon the City Attorney announced that she had approved as to form the foregoing resolution.

Thereupon, upon motion of Councilmember Donald Vaughan, seconded by Councilmember Yvonne Johnson, the foregoing resolution entitled: "RESOLUTION CALLING A PUBLIC HEARING CONCERNING THE FINANCING AND REFINANCING OF CERTAIN PUBLIC PARKING FACILITIES PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT" was passed by roll call vote as follows:

Ayes: Councilmembers Claudette Burroughs-White, Sandy Carmany, Florence Gatten, Keith Holliday, Belvin Jessup, Yvonne Johnson, Robert Perkins, Thomas Phillips and Donald Vaughan.

Noes: None.

Mayor Holliday thereupon announced that the resolution entitled: "RESOLUTION CALLING A PUBLIC HEARING CONCERNING THE FINANCING AND REFINANCING OF CERTAIN PUBLIC PARKING FACILITIES PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT" had passed by a vote of 9 to 0.

(Signed) Donald R. Vaughan

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Mayor Holiday introduced a resolution in support of continued funding for the Sentencing Alternatives Center of One Step Further, Inc. in Judicial District Eighteen. He stated this matter was continued from the May 7, 2002 meeting of Council. Councilmember Phillips stated he could not support the resolution because he believed Council should not ask the State to fund other agencies while in the process of trying to get back money the City was promised by the State.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Gatten, Holliday, Jessup, Perkins, Vaughan. Noes: Carmany, Phillips, with Councilmember Johnson abstaining due to conflict of interest.

120-02 RESOLUTION IN SUPPORT OF CONTINUED FUNDING FOR THE SENTENCING ALTERNATIVES CENTER OF ONE STEP FURTHER, INC. IN JUDICIAL DISTRICT EIGHTEEN

WHEREAS, the Sentencing Alternatives Center of One Step Further, Inc. has served Guilford County for 19 years by providing Courts in the Eighteenth Judicial District (hereinafter "Courts") with plans containing information about sentencing options based on evidence of what is appropriate for punishment and treatment of offenders and for community safety;

WHEREAS, during fiscal year July 1, 2000 through June 30, 2001, the Sentencing Alternatives Center contacted 177 eligible offenders and prepared 94 plans for offenders for whom the Courts ordered \$69,121 in restitution payments, 1,472 hours in unpaid community service, intensive community supervision, employment and/or education and/or treatment resulting in savings to citizens of about \$19,980 for each offender or a total of \$1,878.120 per year;

WHEREAS, the Sentencing Alternatives Center has collaborated with 43 other Guilford County agencies to provide services and community safety;

WHEREAS, a Legislative allocation of \$295,045 provides the core funding for Sentencing Alternatives Center staff;

WHEREAS, the Administrative Office of the Courts is charged with decreasing funds for sentencing service programs such as the Sentencing Alternatives Center throughout the State;

WHEREAS, a decrease in this funding may result in more offenders being imprisoned unnecessarily, increased costs for citizens to pay for more prisoners, decrease in collaborations between community agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council requests that the Administrative Office of the Courts withdraw its recommendation to decrease funding for sentencing service programs and Governor Mike Easley not accept the recommendation to decrease funding so that our community can continue to receive this important and financially efficient service.

2. That copies of this resolution shall be sent to Governor Mike Easley, the Legislative delegation of the Eighteenth Judicial District, Director of the Administrative Office of the Courts, and Chief Justice I. Beverly Lake.

3. That copies of this resolution shall be forwarded to the Guilford County Board of Commissioners with the request that they adopt a similar resolution.

(Signed) Claudette Burroughs-White

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The City Manager stated that an ordinance canceling the July 2, 2002 meeting had been added to the agenda as an addendum item. The Mayor introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Council meetings. Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-125 AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO COUNCIL MEETINGS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by canceling the regular City Council meeting of July 2, 2002.

Section 2. That all laws and clauses of laws in conflict of the provision of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed) Claudette Burroughs-White

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Anthony Dillard, residing at 3 Crawford Court, asked Council to leave the Benchmark Square Library open. He stated his opinion that the community had not been involved in the decision.

After Council noted that some constituents had voiced concerns with respect to the closing of libraries associated with the new library construction and the selection of the new site, Assistant City Manager Mitchell Johnson explained that the new facility would be City owned, the closing facility was rented, and this strategy would be more cost effective. He noted that Friends of the Library had participated in this decision. In response to Council's questions with respect to site selection, funding and the decision to close the Benchmark square, Assistant Manager Johnson stated that additional information would be provided by staff.

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Councilmember Carmany added the names of Earl Dennis, Robert Faison and Peter Kauber to the boards and commissions data bank for consideration for future service.

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Councilmember Jessup added the name of Anthony (Joy) Dillon to the boards and commissions data bank for consideration for future service.

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Councilmember Johnson moved that Sandra Jacobs Hunt be appointed to the Commission on the Status of Women to fill the unexpired term of Barbara Walker; this term will expire 15 August 02; to serve a full term beginning 15 August 02 and expiring 15 August 05. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

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Councilmember Burroughs-White moved that Cynthia Williams be appointed to serve a term on the Minimum Housing Standards Commission; this term will expire 15 August 04. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

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Councilmember Burroughs-White moved that Barney Brown be reappointed to the Minimum Housing Standards Commission; this term will expire 03 July 05. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

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Councilmember Burroughs-White thanked Council and residents for participating in the recent District 2 Meeting.

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The City Manager advised that he planned to devote time in the coming year to facilitating strong economic development and growth in the community.

After the Manager stated that a closed session, in which he would not participate, would follow, Councilmember Burroughs-White moved that Council adjourn to closed session to discuss a law suit between the City of Greensboro and MCI Constructors, Inc. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

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THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 11:56 P.M.

Susan E. Crotts
Deputy City Clerk

Keith A. Holliday
Mayor

CANCELED MEETING

2 JULY 2002

Pursuant to Council action at the regular meeting of the Greensboro City Council on 18 June 2002, the regularly-scheduled meeting for the above date was canceled.

JUANITA F. COOPER
CITY CLERK
